



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.789 of 2021

K.Muniyandi

.. Petitioner/Petitioner

Vs.

1.The District Collector,
Collectorate,
Dindigul.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Dindigul.

3.The Assistant Director,
Department of Geology and Mining,
Dindigul.

4.The Tahsildhar,
Nilakottai Taluk,
Dindigul District.

5.The State represented by
The Inspector of Police,
Pattiveeranpatti Police Station,
Dindigul District.

.. Respondents/Respondents

Prayer : Criminal Revision Case filed under Sections 397 r/w. Section 401 Cr.P.C., to call for the records in Cr.M.P.No.2261 of 2021, dated 20.09.2021, on the file of the learned Principal Sessions Judge, Dindigul and set aside the same by allowing this Criminal Revision Case and consequently, direct the respondents to hand over the vehicle bearing Registration number: TN-51-B- 7912 (TATA 407) to the petitioner.

For Petitioner : Mr.K.Anbumanikandan

For Respondents : Mrs.K.Asha

Government Advocate.

ORDER

This Criminal Revision has been filed to call for the records in Cr.M.P.No.2261 of 2021, dated 20.09.2021, on the file of the learned Principal Sessions Judge, Dindigul.

2. A vehicle namely, TATA 407 bearing Registration No.TN-51-



7912 was seized by the respondent police in Crime No. 557 of 2021. The petitioner claiming himself as the owner of the vehicle filed the petition in Crime No.557 of 2021 before the Principal District Judge, Dindigul, and that petition was dismissed by the Court. Against the order of dismissal of the petition, petitioner filed this Criminal Revision Case.

3. On the side of the petitioner, it is stated that the vehicle was seized by the respondent police and is kept in the open place for the past six months. The value of the vehicle will become low by the exposure to the sun and rain and the vehicle is to be returned to the petitioner for interim custody.

4. On the side of the prosecution, it is stated that there is a previous case of similar nature is pending against the petitioner. If the vehicle is returned to the petitioner, there is a possibility of the petitioner to use the vehicle again for commission of similar offence. The RC Book of the vehicle was already deposited before the Judicial Magistrate, Nilakkotai and the condition imposed by this Court in Crime No.727 of 2020 was not obliged by the petitioner and prayed that the petition is to be dismissed.

5. It is seen that there is a previous case pending against the petitioner in Crime No. 727 of 2020 of Pattiveeranpatti Police Station. It is stated that the RC Book was already deposited before the Judicial Magistrate, Nilakkottai. Though the petitioner got an interim custody of the vehicle in the previous case, another case is registered against the petitioner for a similar offence. Sand theft is an offence against the society which has to be viewed seriously.

6. In view of the same, this Court is not inclined to allow this petition. Hence, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

mga/csm

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of



the advocate/litigant concerned.

To

- 1.The Principal Sessions Judge,
Dindigul District.
- 2.The District Collector,
Collectorate,
Dindigul.
- 3.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Dindigul.
- 4.The Assistant Director,
Department of Geology and Mining,
Dindigul.
- 5.The Tahsildhar,
Nilakottai Taluk,
Dindigul District.
- 6.The Inspector of Police,
Pattiveeranpatti Police Station,
Dindigul District.
- 7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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16.11.2021**

SJ(CO)
SB(02.12.2021) 3P 8C