



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 25.11.2021

CORAM

THE HONOURABLE MRS.JUSTICE R.THARANI

Crl. R.C.(MD)No.838 of 2021

P.Shanmugam

... Petitioner/1st Accused

Vs.

The State Represented by its,
Inspector of Police,
Mayanoor Police Station,
Karur District.
(Crime No.535 of 2021)

... Respondent/Complainant

Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the records and to set aside the order passed by the learned District Munsif cum Judicial Magistrate, Krishnarayapuram, in Cr.M.P.No.452 of 2021 dated 29.10.2021.

For Petitioner
For Respondent

: Mr.G.Sridharan
: Mrs.K.Asha
Government Advocate

ORDER

This petition has been filed to set aside the order passed in Cr.M.P.No.452 of 2021 dated 29.10.2021, on the file of the learned District Munsif cum Judicial Magistrate, Krishnarayapuram and to grant interim custody of the tipper lorry bearing Registration No.TN-20-AJ-7225 to the petitioner.

2.The petitioner claims to be the owner of the tipper lorry bearing registration No.TN-20-AJ-7225, which was seized by the respondent Police in Crime No.535 of 2021 under Sections 379 of IPC, has filed a petition in Cr.M.P.No.452 of 2021 before the learned District Munsif cum Judicial Magistrate, Krishnarayapuram, for return of the vehicle. The petition was dismissed by the trial Court. Against which, the petitioner has preferred this revision case.

3.On the side of the petitioner, it is stated that the offence is only under Section 379 of IPC. The vehicle was seized for transporting gravel in patta land. The complainant is only a private person. Only due to previous enmity, a false case was foisted against the petitioner. The vehicle is kept in the open place. The value will be deteriorated due to the climatic conditions and prayed the vehicle to be returned for interim custody.



4.On the side of the respondent, it is stated that the petitioner is having previous cases. The petitioner got return of the vehicle from the Court and again the vehicle was used for commission of the same offence again. Even R.C. Book was deposited before the Court in the previous case and prayed the petition to be dismissed. It is further stated that an alteration report was filed and the offence under Section 21(1) of Mines and Minerals Act is included in the FIR.

5.It is seen that as per the order passed by this Court in Crl.R.C.(MD)No.117 of 2021 dated 02.03.2021, RC book was deposited before the trial Court. After getting the return of the vehicle from the High Court, the vehicle was alleged to have been used for commission of similar offence and again the vehicle was seized by the respondent Police. The respondent filed this petition for return of the tipper lorry. The petitioner is an accused in the present case. The offence is serious in nature and the offence is against the Society.

6.In view of the above, this Court is not inclined to return the tipper lorry to the petitioner. Hence, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Mrn

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 District Munsif cum Judicial Magistrate,
Krishnarayapuram.

2.The Inspector of Police,
Mayanur Police Station,
Karur.



3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

The Principal District and Sessions Judge
(Special Court to deal with Offences under
the Mines and Minerals Act)
Karur.

+1 CC to M/s.G.SRIDHARAN, Advocate (SR-35945[F] dated 25/11/2021)

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RS (03.12.2021) 3P 6C