



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 14.03.2022

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Crl.R.C.No.303 of 2022

Manickam

.. Petitioner

/versus/

The Inspector of Police,
Velur Police Station,
Namakkal,
Cr.No.391 of 2021

.. Respondent

Criminal Original Petition has been filed under Sections 397 and 401 of Cr.P.C. praying to call for the records and set aside the order dated 14.02.2022 of the learned Judicial Magistrate, Paramathy in Crl.M.P.No.272 of 2022 in Crime No.391 of 2021.

For Petitioner :Mr.M.Selvadurai

For Respondent :Mr.Leonard Arul Joseph Selvan
Government Advocate (crl.side)

O R D E R

This Criminal Revision Case has been filed to call for the records and set aside the order dated 14.02.2022 of the learned Judicial Magistrate, Paramathy in Crl.M.P.No.272 of 2022 in Crime No.391 of 2021.

2.The facts of the case is that the petitioner transported river sand by his vehicle viz., Tipper Lorry Ashok Leyland bearing Reg.No.TN 39 AJ 9469 without obtaining prior permission from the authority concerned. The petitioner filed a petition before the trial Court to return the vehicle belonging to him and the said petition was dismissed by the trial Court on 14.02.2022. Aggrieved by this order, the present Criminal Revision Case is filed.

3.The learned Government Advocate (Crl.Side) states that the petitioner herein sought for return of vehicle bearing Reg.No. TN 39 AJ 9469 seized during raid for carrying minerals illegally has not produced RC book of the vehicle to prove his ownership and therefore, the plea of return of vehicle is not sustainable.



4. In fact, the trial Court has dismissed his petition on the ground that the vehicle is subjected to be confiscated being involved any offence under Mines and Minerals Act. Without advertent to the power of the authority to confiscate the vehicle by due process of law, the vehicle has to be returned only to the owner who proves his title. Therefore, it is open to the petitioner to approach the trial Court by filing a fresh petition to produce all the documents to prove the title and get back the vehicle, pending trial.

5. With the above directions, this Criminal Revision Case is disposed of.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To:

1. The Judicial Magistrate, Paramathy.

2. The Inspector of Police,
Velur Police Station, Namakkal,

3. The Public Prosecutor, High Court, Madras.

+2 ccs to Mr.M.Selvadurai, Advocate Sr.NO.17545

Crl.R.C.No.303 of 2022

PMK(CO)

A.SK(29/03/2022)