



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2022

CORAM

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.RC.No.381 of 2022

Perichi Gounder

... Petitioner

Vs.

Tamilnadu State,

Rep by the Inspector of Police,

Karimangalam Police Station,

Dharmapuri

crime No.205 of 2021

... Respondent

PRAYER: Criminal Revision Case filed under Sections 397 r/w 401 of Cr.P.C. to set aside the order passed by the learned Principal Sessions Judge, Dharmapuri in Crl.MP.No.59 of 2022 dated 22.01.2022 and consequently direct the respondent police to grant the petitioner interim custody of the TATA Tipper Lorry vehicle registration No.TN 29 BF 4914.

For Petitioner : M/s.R.Saritha

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

ORDER

The present criminal revision has been filed praying to set aside the order dated 22.01.2022 in Crl.MP.No.59 of 2022 on the file of the learned Principal Sessions Judge, Dharmapuri.

2. The case of the petitioner is that the petitioner is the owner of the TATA Tipper lorry bearing registration No.TN 29 BF 4914. The respondent police herein have seized the above said lorry in connection with crime No.478 of 2021 and later produced before the learned Principal Sessions Judge, Dharmapuri in CP.No.205 of 2021. Now the said vehicle is kept in the learned Principal Sessions Court, Dharmapuri in open place. If the vehicle was allowed to be kept in the custody of the court, the originality of the vehicle will be lowered. Further, due to the natural calamity, also due to the exposure of the vehicle without care will spoil and destroy the original state. The petitioner is always ready to produce the vehicle before the court whenever required. The learned Principal Sessions Judge without considering those aspects, dismissed the petition filed by the petitioner stating that the petitioner is an accused in the petition mentioned case.



3. Per contra, the learned Government Advocate(crl.side) appearing for the respondent police raised objection stating that if the vehicle is handed over to the petitioner for interim custody, he may try to tamper the witness and hamper the investigation.

4. Submissions made by the counsels on either side are considered.

5. Admittedly, the petitioner is arrayed as an accused in Cr.No.478 of 2021 on the file of the respondent police. Though the said case has been registered for the offence punishable under Sections 294(b), 323, 379 and 506(ii) of IPC, the learned Government Advocate(crl.side) appearing for the respondent police submits that now during investigation, section of law altered to the provisions under Mines and Minerals Act.

6. Therefore, being the reason that the petitioner is an accused, if the property is handed over to him for interim custody, he may try to tamper the witness and hamper the investigation. Further being the reason that there was confiscation proceedings are available in the Mines and Minerals Act, the prayer sought for by the petitioner cannot be entertained.

7. Accordingly, this criminal revision filed by the petitioner is dismissed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Sessions Judge,
Dharmapuri
2. Inspector of Police,
Karimangalam Police Station,
Dharmapuri
3. The Public Prosecutor,
High Court, Madras.

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SKM(CO)
CT 07/04/2022