



Crl.R.C.No.1184 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 26.10.2022

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Crl.R.C.No.1184 of 2022

Venkatesan

... Petitioner

Vs.

1. The Revenue Divisional Officer,
RDO Office, Cheyyar Taluk,
Tiruvannamalai District.

2. The Tahsildar,
Taluk Office,
Chetpet,
Tiruvannamalai District.

3. The Inspector of Police,
Pernamallur Police Station,
Ranipet District,
Tiruvannamalai District.

... Respondents

Prayer:

Criminal Revision Case filed under Section 397 & 401 of Cr.P.C., to
set aside the order dated 10.08.2022 passed by the Principal District and
Sessions Judge, Tiruvannamalai in Crl.M.P.No.1679 of 2022 in Crime



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No.Not known of 2022 pending on the file of the third respondent and direct to hand over Tipper Lorry bearing registration number TN-20:S-3265 (Engine No.FVE237698 & Chasis No.FVE503868) owned by the petitioner within the time frame.

For Petitioner : M/s.S.P.Arthi

For Respondents : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

This Criminal Revision Petition has been filed challenging the order dated 10.08.2022 passed by the Principal District and Sessions Judge, Tiruvannamalai in Crl.M.P.No.1679 of 2022 in Crime No.Not known of 2022, pending on the file of the third respondent.

2. The respondent police seized the Tipper Lorry bearing registration No.TN 20 S 3265 Engine No.FVE237698 and Chasis No.FVE503868. Pending investigation, the petitioner, who is the owner of the abovesaid lorry, filed a petition in Crl.M.P.No.1679 of 2022 on the file of the learned

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Principal District and Sessions Judge, Thiruvannamalai to return the vehicle and the same was dismissed by the learned Sessions Judge. Challenging the dismissal order, the petitioner has filed the present Revision before this Court.

3. Learned counsel for the petitioner would submit that originally F.I.R was not registered against the named persons and the case has not been registered as on date. He undertakes that his vehicle will not get involved in such sort of offence in the near future and he is ready to abide any condition imposed on him.

4. Learned Additional Public Prosecutor appearing for the respondent would submit that the vehicle was seized for illegal transportation of two units of river sand. Since all the accused were absconded, the respondent police could not register the F.I.R against the named persons. Subsequently, F.I.R was registered and the vehicle was also produced before the Court in C.P.No.58 of 2022.



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5. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents and perused the materials available on record.

6. During the pendency of investigation, the return of vehicle is purely the discretionary power of the Court below. Unless, the exercise of the discretionary power is arbitrary or malafide, the Revision Court will not interfere with the order of the Magistrate court. However, considering the facts and circumstances of the case and also the fact that illegal transportation of river sand caused great loss to the environment and the country, this Court is not inclined to interfere with the order passed by the Court below and the Revision petition is liable to be dismissed. Accordingly, the Revision petition is dismissed.

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Index:yes/No
Internet:yes/No

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To

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Tiruvannamalai.
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3. The Tahsildar,
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Tiruvannamalai District.
4. The Inspector of Police,
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P.VELMURUGAN, J.

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