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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

CRL.R.C.NO.967 OF 2021

Sudhakar

...Petitioner / Petitioner

versus

The State Rep. by
The Sub Inspector of Police,
Keelapalur Police Station,
Ariyalur District.
(Crime No.442 of 2020)

...Respondent / Respondent

PRAYER: Criminal Revision Petition has been filed under Section 397 of the Code of Criminal Procedure, praying to call for the records pertaining to the order dated 08.11.2021 made in Cr.M.P.No.3119 of 2021 on the file of the learned Principal Sessions Judge, Ariyalur Sessions Division, Ariyalur and set aside the same.

For Petitioner : Mr.N.Anandakumar

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate
(Crl.Side)

O R D E R

The present Criminal Revision Case has been filed challenging the order dated 08.11.2021 passed in Crl.M.P.No.3119 of 2021 by the learned Principal Sessions Judge, Ariyalur Sessions Division, Ariyalur.

2. The revision petitioner herein is the petitioner in the above referred petition. He filed a petition before the learned Principal Sessions Judge, Ariyalur, under Section 457 of Cr.P.C. praying to return the property said to have been involved in Crime No.442 of 2020 under Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 r/w 379 of IPC on the file of Keelapalur Police Station.



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3. After affording an opportunity to the respondent police, the learned Principal Sessions Judge, Ariyalur, by an order dated 08.11.2021 dismissed the said petition and against which, the petitioner has preferred this revision petition.

4. The learned counsel appearing for the petitioner would contend that the petitioner is an innocent person and not having any knowledge about the commission of offence. Based on the complaint given by the Village Administrative Officer, the petition mentioned case has been registered and later, the petition mentioned Tractor bearing registration No.TN-61-M-1037 was recovered by the respondent police. He would further submit that being the reason the petition mentioned vehicle is exposed in the sunlight, the value of the vehicle become depreciated and hence, in order to avoid the same, it would necessary to set aside the order dated 08.11.2021 passed by the learned Principal Sessions Judge, Ariyalur and to return the petition mentioned vehicle to the petitioner.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that, during investigation, the petitioner was arrayed as an accused in the petition mentioned case. Further, the petitioner is a habitual offender, if the vehicle is released for interim custody, he may try to commit the same offence in near future. According to him, as of now, investigation is pending and accordingly, he prayed to dismiss this revision petition.

6. Submissions made by the learned counsel appearing on either side are considered.

7. On going through the impugned order dated 08.11.2021 passed by the learned Principal Sessions Judge, Ariyalur, would show that the petition mentioned vehicle was involved in one another case in Crime No.121 of 2019 under Section 379 of IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in the same Police Station. The said observation made by the learned Principal Sessions Judge, Ariyalur, would show that the petitioner is the habit of using the petition mentioned vehicle repeatedly for the offence of similar nature, Further, the offence committed by the petitioner is against the environment. Though the reasons stated by the petitioner for returning the petition mentioned vehicle for interim custody is reasonable one, considering the fact that he is regularly committing the offence of similar nature, this Court is of the opinion that if the revision petition is allowed and if the vehicle is returned to the petitioner for interim custody, he may try to commit the same offence. Therefore, this Court is not inclined to allow this petition.



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8. Resultantly, this Criminal Revision Case is dismissed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

sri

To

- 1.The Principal Sessions Judge,
Ariyalur Sessions Division,
Ariyalur.
- 2.The Sub Inspector of Police,
Keelapalur Police Station,
Ariyalur District.
- 3.The Public Prosecutor,
High Court, Madras.

Cr1.R.C.No.967 of 2021

SSD(CO)
RVM(04/04/2022)