



Crl.R.C.No.1382 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 10.10.2022

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

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V.Gnanaguru

... Petitioner

Vs.

The State rep. By
The Inspector of Police,
Brammadesam Police Station,
Villupuram District.

... Respondent

Prayer:

Criminal Revision Case filed under Section 397 and 401 of Cr.P.C.,
to set aside the order dated 13.09.2022 made in Crl.M.P.No.4603 of 2022 on
the file of the Judicial Magistrate No.II, Tindivanam and grant interim
custody of the vehicle viz Tipper Lorry bearing Regn.No.T.N.16-F-3336.

For Petitioner : Mr.M.Venkadeshnan

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

This Criminal Revision Case is filed against the order dated 13.09.2022 passed in Crl.M.P.No.4603 of 2022 on the file of the Judicial Magistrate No.II, Tindivanam.

2. The respondent police registered a case in Crime No.156 of 2022 against the petitioner for the offence under Section 379 IPC read with Section 21(1) of Mines and Minerals Act and seized the vehicle and produced the same before the learned Judicial Magistrate No.II, Tindivanam. Pending investigation, the petitioner has filed the petition under Sections 451 & 457 Cr.P.C seeking interim custody of the vehicle. The said petition was dismissed by the learned Magistrate on two grounds that the Judicial Magistrate has no jurisdiction to release the vehicle and also illegal mining caused great loss to the environment and the country. Challenging the impugned order, the petitioner has filed the present Criminal Revision case.

3. Learned counsel for the petitioner would submit that if any



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complaint is registered for the offence under Section 21 of Mines and Minerals (Development and Regulation) Act, the property has to be produced before the Special Court. No complaint has been filed against the petitioner by the competent authority before the Special Court till date. Since the case was registered by the respondent police and the vehicle was produced before the Judicial Magistrate No.II, Tindivanam, he filed an application in Crl.M.P.No.4603 of 2022 seeking interim custody of the vehicle before the Judicial Magistrate and the learned Magistrate dismissed the petition.

4. Learned Additional Public Prosecutor submitted that the investigation is still pending.

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



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6. Though reasons given by the learned Magistrate are not acceptable, the Magistrate has the power to release the vehicle, when no case is pending before the Special Court. Now the case is pending before the learned Judicial Magistrate No.II, Tindivanam. The respondent has not produced any document to show that the case is pending before the Special Court. During investigation, release of vehicle is purely discretionary power of the Court. Since the investigation is still pending, this Court is not inclined to allow this Criminal Revision Petition and the same is liable to be dismissed. Accordingly, the Criminal Revision Case is dismissed. The petitioner is at liberty to file an application, after filing of charge sheet before the trial court.

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Index:yes/No

Internet:yes/No



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To

1. Judicial Magistrate No.II,
Tindivanam.
- 2.The Inspector of Police,
Brammadesam Police Station,
Villupuram District.
3. The Public Prosecutor,
High Court of Madras.

P.VELMURUGAN, J.



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