



Crl.RC.1521 of 2022

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.11.2022

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.1521 of 2022

K.Mathubala

...Petitioner/Petitioner

Vs.

The State Rep by its by
The Inspector of Police,
Vaymedu Police Station,
Vaymedu.

(Crime No.132/2022)

... Respondent/Complainant

The Criminal Revision filed under Section 397 read with 401 of Code of Criminal Procedure seeking to call for the records and set aside the order dated 29.08.2022 in Crl.M.P.No.2623 of 2022 on the file of the learned Principal District and Sessions Judge at Nagapattinam and direct the respondent to return of petitioner's Tipper Lorry bearing registration number in T.N.46 H 4699.

For Petitioner : Mr.V.Kasinatha Bharathi

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

This criminal revision is filed to set aside the order passed by the learned Principal District and Sessions Judge, Nagapattinam in Crl.M.P.No.2623 of 2022 dated 29.08.2022 and direct the respondent to return the petitioner's Tipper Lorry bearing registration number in TN-46-H-4699.

2. The petitioner filed a petition under Sections 451 & 457 of Cr.P.C., before the learned Principal District and Sessions Judge, Nagapattinam, seeking to return the Tipper Lorry. The said petition was dismissed by the learned Principal District and Sessions Judge, Nagapattinam. Aggrieved by the order passed by the learned Principal District and Sessions Judge, Nagapattinam, present revision has been filed before this Court.

3. The learned counsel for the petitioner would submit that the petitioner has got a licence to take eri sand from Serumangalam Village



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Mannargudi, Tiruvarur District. However, the respondent police seized the vehicle for illegal transportation of river sand, but it is not a river sand. When he produced the permit for transporting sand before the Police, it was not considered by the Police. Therefore, he filed a petition stating all the facts before the learned Principal District and Sessions Judge, Nagapattinam, but without considering the facts, the learned Principal District and Sessions Judge, Nagapattinam dismissed the petition.

4. He would further submit that the petitioner is not an accused in this case and he is the owner of the vehicle and the vehicle was never involved in any of the offence of this nature and there is no previous case against the petitioner. Without considering all those facts, the Principal District and Sessions Judge, Nagapattinam has simply dismissed the petition. Therefore, he seeks to set aside the order of the learned Principal District and Sessions Judge, Nagapattinam.

5. The learned Additional Public Prosecutor would submit that the vehicle was seized with river sand and since investigation is pending,



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charge sheet was not yet filed. Therefore, this petition is liable to be dismissed.

6. Considering the submission of the learned Additional Public Prosecutor, this Court is not inclined to grant any relief during pending investigation. Hence, this petition is liable to be dismissed.

In the result, this Criminal Revision is dismissed.

29.11.2022

Index : Yes/No
Internet : Yes/No
dh

To

1. The learned Principal District
and Sessions Judge, Nagapattinam.
2. The Inspector of Police,
Vaymedu Police Station,
Vaymedu.

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3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J.,

dh

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