



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2022

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**
Crl.R.C. (MD)No.118 of 2022

James

... Petitioner/
Petitioner

Vs.

The State represented by
The Tahsildar (Mines & Minerals),
Vembakottai,Vembakottai Taluk Office,
Virudhunagar District.

...Respondent/
Respondent

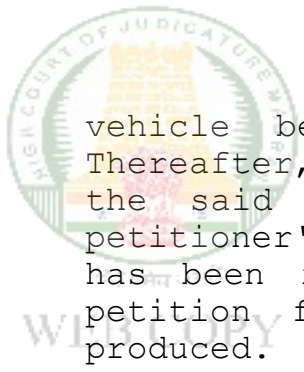
Prayer : This Criminal Revision has been filed under Section 397 read with 401 of Criminal Procedure Code, to call for the records pertaining to the order of the learned Principal Sessions Judge, Virudhunagar District at Srivilliputhur, dated 20.01.2022 made in Cr.M.P.No.53 of 2022 and set aside the same as illegal.

For Petitioner : Mr.T.Vadivelan
For Respondent : Mr.K.Sanjay Gandhi
Government Advocate (Criminal Side)

O R D E R

This Criminal Revision Petition has been filed seeking to set aside the order of the learned Principal Sessions Judge, Virudhunagar District, at Srivilliputhur, dated 20.01.2022 made in Cr.M.P.No.53 of 2022.

2. This petition has been filed challenging the order passed in Cr.M.P.No.53 of 2022 and thereby, dismissing the petition for return of vehicle. The petitioner is the owner of the vehicle viz., Ashok Layland Truck, bearing Registration No. TN-45-BT-7015. On 19.08.2021, the vehicle carried M-sand under Tax Invoice No.1723 belonging to Rajapalayam Cement & Chemical Ltd., and proceeded to Red Hills, Chennai with proper Tax Invoice. It has been chased by the respondent. Even then, no FIR has been registered as against the petitioner or driver of the vehicle for illegal transportation of M-sand. Therefore, the petitioner was constrained to file a writ petition in W.P.(MD)No.17630 of 2021 before this Court. This Court, vide order, dated 28.09.2021, directed the respondent to produce the vehicle before the concerned jurisdictional Magistrate within a period of three days. Accordingly, the respondent produced the



vehicle before the learned Judicial Magistrate No.2, Sathur. Thereafter, the petitioner filed Cr.M.P.No.53 of 2022 for return of the said vehicle. It was dismissed for the reason that the petitioner's vehicle was involved in Mines and Minerals Act. No FIR has been registered and no Crime No has been mentioned in the petition for return of property and no material records were produced. The petitioner is the accused and owner of the property. The said vehicle was involved in transportation of sand to a higher price. Admittedly, no FIR has been registered and the petitioner is not an accused. Though the vehicle owned by the petitioner was seized by the respondent, only on the direction issued by this Court in W.P.(MD)No.17630 of 2021 dated 28.09.2021, the respondent produced the vehicle before the Court. The respondent filed counter and it revealed that no FIR has been registered as against the petitioner even till date.

3. In view of the above, the learned jurisdictional Magistrate, is directed to return the vehicle to the petitioner forthwith. This Criminal Revision Case is allowed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To:-

- 1.The Principal Sessions Judge,
Srivilliputhur,
Virudhunagar District.
- 2.The Judicial Magistrate No.II,
Sathur.
- 3.The Tahsildar (Mines & Minerals),
Vembakottai,Vembakottai Taluk Office,
Virudhunagar District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.R.C. (MD) No.118 of 2022
23.02.2022

MGJ(03.03.2022) 2P 5C