



Crl.R.C.No.119 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2023

CORAM

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

Crl.R.C.No.119 of 2023

Pandiyan

... Petitioner

Vs.

1.State Represented by
Inspector of Police
Maruvathur Police Station
Perambalur District

P.Ravi (Died)

... Respondents

PRAYER : Criminal Revision Case has been filed under sections 397 read with 401 of Criminal Procedure Code to set aside the order passed by the learned Principal District and Sessions Judge, Perambalur in Crl.M.P.No.414 of 2022 dated 20.06.2022 and consequently direct the respondent police to return the Trailer SWARAJ 744 FE, which was seized by the respondent police in Crime No.150 of 2021.

For Petitioner : Mr.E.Maharajan

For Respondent : Mr.V.Meganathan
Government Advocate (Crl.Side)



Crl.R.C.No.119 of 2023

ORDER

WEB COPY

This Criminal Revision Case is filed challenging the order passed by the Principal District and Sessions Judge, Perambalur in Crl.M.P.No.414 of 2022 dated 20.06.2022.

2. The case of the prosecution is that on 01.04.2021 the respondent police, on receipt of information from the Village Administrative Officer, found that the Tractor bearing Registration No.TN 46 S 6756 with Trailer SWARAJ 744 FE was involved in an illegal transportation of 1 unit of sand. Hence, the respondent police registered a case in Crime No.150 of 2021 against the accused persons for the offence under Sections 379 IPC r/w Section 21(1) of Mines & Minerals (Development & Regulation) Act, 1957 and seized the Tractor and Trailer along with 1 unit of sand.

3. The learned counsel appearing for the petitioner submitted that the petitioner is claiming that he is the owner of the Trailer SWARAJ 744 FE. The petitioner filed an application before the Principal District and Sessions



Crl.R.C.No.119 of 2023

Judge, Perambalur, in Crl.M.P.No.414 of 2022 under Sections 451 of Cr.P.C. for return of Trailer and the learned Judge by order dated 20.06.2022 dismissed the same. Challenging the said order, the petitioner has filed the present revision before this Court.

4. The learned Government Advocate (Crl.Side) appearing for the 1st respondent submitted that, one Ravi, who is the 2nd accused in Crime No.150 of 2021 filed an application in which, he claimed ownership over the Tractor bearing Registration No.TN 46 Y 3296 and Trailer SWARAJ 744 FE. The Trial Court vide its earlier order handed over the interim custody of said Tractor and Trailer to Ravi. Subsequently, this petitioner has filed a petition in Crl.M.P.No.414 of 2022 claiming interim custody of Trailer SWARAJ 744 FE. Hence the Trial Court issued notice to Ravi. Since the said Ravi died, the Trial Court directed to Maruvathur Police to secure the Trailer SWARAJ 744 FE and produce the same before the Judicial Magistrate Court No.II, Perambalur and thereafter to be given to the police for interim custody.



Crl.R.C.No.119 of 2023

WEB COPY

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent and I have perused the materials on record.

6. On a perusal of the records, it reveals that the respondent police registered a case in Crime No.150 of 2021 and seized Tractor bearing Registration No.TN 46 S 6756 along with Trailer SWARAJ 744 FE for illegal transportation of 1 unit of sand. One Ravi filed a petition before the Trial Court and obtained interim custody of the Tractor and Trailer. Subsequently, the petitioner filed a petition claiming ownership of the Trailer SWARAJ 744 FE. Thereafter, the Court issued notice to Ravi with regard to rival claim. Since the said Ravi died, the vehicle was not produced before the Court. Recording the same, the Trial Court has considered that the vehicle has to be got back and handed over to the police custody till the disposal of the case and directed to Maruvathur Police to secure the Trailer SWARAJ 744 FE and produce the same before the Judicial Magistrate Court No.II, Perambalur and thereafter to be given to the police for interim custody.



Crl.R.C.No.119 of 2023

WEB COPY

7. Further, on a perusal of the Registration Certificate form 24, the Tractor Registration No.TN 46 S 6756 along with Trailer SWARAJ 744 FE found that the vehicles are in the name of one Ravi. In this circumstance, the claim of the petitioner is not narrated in any documents. Therefore, the Trial Court has rightly dismissed the claim of the petitioner.

8. I find no merit in this Criminal Revision Case and no infirmity in the order passed by the Trial Court. Hence the Criminal Revision Case stands dismissed.

25.01.2023

rpl

To

1.The Principal District and Sessions Judge
Perambalur

V.SIVAGNANAM, J.,

rpl



Crl.R.C.No.119 of 2023

2. Inspector of Police
Maruvathur Police Station, Perambalur District.

3. The Public Prosecutor,
High Court of Madras, Chennai-104.

Crl.R.C.No.119 of 2023

25.01.2023