



Crl.R.C.No.249 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.R.C.No.249 of 2023

Vimalraj

...

Petitioner

/vs/

The Inspector of Police,
Thittacherry Police Station,
Nagapattinam District.
(Crime No.303 of 2021)

...

Respondent

PRAYER : Criminal Revision Case has been filed under Section 397 r/w 401 Cr.P.C. to call for the records and set aside the order passed in C.M.P.No.3057 of 2022 on the file of the Principal District and Sessions Judge, Nagapattinam, dated 28.09.2022 to return the JCB bearing Registration No.TN 51 AF 5302.

For Petitioner

...

Mr.B.Harish

for M/s.K.M.Vijayan Associates

ORDER

Challenging the impugned order dated 28.09.2022 passed in C.M.P.No.3057 of 2022 by the learned Principal District and Sessions Judge, Nagapattinam, the present criminal revision case has been filed.



Crl.R.C.No.249 of 2023

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2.The learned counsel for the petitioner contended that the petitioner is not an accused in Crime No.303 of 2021 and he is the owner of the JCB bearing registration No.TN 51 AF 5302, which was used for taking the sand from the river, without his knowledge. Hence, seeking interim custody of the abovesaid JCB and he is ready to obey any condition imposed by this Court.

3.The learned Govt.Advocate (Crl.side) submitted that JCB bearing Registration No.TN 51 AF 5302 has been used for breaking the bank of river and diverting the water direction and taking river sand and after that enquiry has been conducted and the abovesaid JCB has been seized. In this regard, a case has been registered in Crime No.303 of 2021 for the offences under Sections 379 & 430 IPC and 21(1) Mines & Minerals (Development and Regulation) Act, 1957.

4.I have considered the matter in the light of the submission made by the learned counsel for the petitioner as well as the learned Govt. Advocate (Crl.side) for the respondent.



Crl.R.C.No.249 of 2023

5.A perusal of the records reveals that the respondent police, on information from the public, visited the place on 26.05.2021 at about 11.00a.m. and found that the accused persons by using JCB bearing registration No. TN 51 AF 5302 damaged the existing dam (Mathagu) and diverted the river and took the river sand. On seeing the officials, the accused persons ran away from the spot. Thereafter, the officials seized the abovesaid JCB and registered a case in Crime No.303 of 2021 for the offences under Sections 379 & 430 IPC and 21(1) Mines & Minerals (Development and Regulation) Act, 1957.

6.Considering the grave nature of the offences and the JCB used for damaging dam (mathagu) and taking the river sand illegally, I find no merit in the criminal revision case and the order dated 28.09.2022 passed in Crl.M.P.No.3057 of 2022 by the Principal District and Sessions Judge, Nagapattinam is hereby confirmed. Accordingly, the criminal revision case is dismissed.

Index : Yes/No
Internet : Yes/No

13.02.2023



CrI.R.C.No.249 of 2023

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- 1.The Principal District and Sessions Judge,
Nagapattinam.
- 2.The Inspector of Police,
Thittacherry Police Station,
Nagapattinam District.
(Crime No.303 of 2021)
- 3.The Public Prosecutor,
High Court, Madras.



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Crl.R.C.No.249 of 2023

V.SIVAGNANAM ,J.

sms

Crl.R.C.No.249 of 2023

13.02.2023