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Crl.R.C.No.379 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2023

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.Rc.No.379 of 2023

M.Karthikeyan

... Petitioner

Vs.

The State: rep. by the Sub Inspector of Police,
Vellore Police Station,
Namakkal District.

... Respondent

PRAYER: Criminal Revision Petition filed under Section 397 r/w 401 of Criminal Procedure Code, 1973 to set aside the order of dismissal dated 03.03.2022 made in CMP No.188 of 2022 on the file of the Principal Sessions Judge, Namakkal by allowing the Criminal Revision Petition.

For Petitioner : Mr.Deepanuday

For Respondent : Mr.V.Meganathan

Government Advocate (Crl.Side)



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ORDER

This Criminal Revision Petition has been filed to set aside the order dated 03.03.2022 passed in CMP No.188 of 2022 by the Principal Sessions Judge, Namakkal and to return the Ashok Leyland DHOST lorry bearing registration No.TN-65-AA-5062 to the petitioner/owner of vehicle.

2. The case of the prosecution is that, the respondent police registered a case in Crime No.81/2020 against the petitioner for the offences punishable under Sections 379 IPC and Section 21(1) of Mines and Minerals(Development and Regulation) Act with regard to 90 bags of sand theft, using Ashok Leyland DHOST lorry bearing registration No.TN-65-AA-5062 and hence the vehicle was seized. The petitioner being the owner of the above said lorry, filed a petition in Crl.M.P.No.188/2022 to release the vehicle to him before the Trial Court and the same was dismissed, vide order dated 03.03.2023. Hence, challenging the above said order, the petitioner filed the present Revision case.



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3. The learned counsel for the petitioner submitted that the petitioner is the owner of the Ashok Leyland DHOST lorry bearing registration No.TN-65-AA-5062. He further submitted that if the vehicle is exposed on open space for a long time, it would cause damage to the vehicle and the petitioner is ready to give appropriate guarantee as well as security for return of vehicle and also he will produce the vehicle, as and when required either before the respondent police or before the Trial Court. Hence, he prayed to return the vehicle to the petitioner.

4. The learned Government Advocate (Crl.Side) submitted that, the petitioner is owner of the Ashok Leyland DHOST lorry bearing registration No.TN-65-AA-5062 and since the above said vehicle was used to transport 90 bags of river sand illegally, it was seized. He further submitted that, the above said vehicle is involved in Crime No.318/2019 also, which is similar in nature and hence, he objected to return the vehicle to him.



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5. Heard the learned counsel appearing for the petitioner and the respondent and I have perused the materials on record.

6. A perusal of the records show that, the respondent police registered a case in Crime No.81/2020 against the petitioner for the offences punishable under Sections 379 of IPC and Section 21(1) of Mines and Minerals Development and Regulation Act with regard to sand theft, using lorry bearing registration No.TN-65-AA-5062. Further, it reveals from the records that the petitioner is owner of the above said lorry and he filed a petition in CMP No.188/2022, to return the vehicle, and the same was also dismissed by the Trial Court.

7. It is submitted by the learned Government Advocate (Crl.Side) appearing for the respondent that the vehicle is involved in yet another case in Crime No.318/2019, which is similar in nature. Therefore, this Court is of the view that, if the vehicle is released for interim custody of the petitioner, there is every possibility to use the same for committing the



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offence similar in nature by the petitioner. Hence, this Court do not find any infirmity or illegality in the orders passed by the learned Judge and the same does not warrant any interference by this Court.

8. Accordingly, this Criminal Revision Case is dismissed.

01.03.2023

Index: Yes/No
Internet: Yes/No
mst

To

1. The Principal Sessions Judge, Namakkal.
2. The Public Prosecutor, Madras High Court.



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V.SIVAGNANAM, J.,

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