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Crl.R.C.No.210/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2023

CORAM

THE HONOURABLE MR. JUSTICE V. SIVAGNANAM

CRL.R.C.NO.210 OF 2023

Thiyagarajan

.. Petitioner

Vs

The State by
Inspector of Police,
Thalavai Police Station,
Ariyalur
(Crime No.29 /2022)
Respondent

...

Prayer: Criminal Revision Petition filed under section 397 r/w.401 Cr.P.C., to call for the records of the learned Pirncipal Sessions Judge, Ariyalur District and set aside the order dated 30.01.2023 in Cr,.M.P.No.135 of 2023 and order return of the vehicle, Mahindra Tractor with Trailer bearing Regn.No.TN 61 M 6260, Engine No.2HG3MAA6265, Chasis No.MBNAAAALGAHZG00824 concerned in Crime No.29 of 2022 on the file of the respondent tothe custody of the petitioner herein.

For Petitioner : - Mr.V. Sivaraman

For Respondent : Mr.V. Meganathan, GA (Crl.side)



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ORDER

This Criminal Revision case has been filed challenging the order of dismissal dated 30.01.2023 passed by the Principal sessions Judge, Ariyalur District in Crl.M.P.No.135 of 2023 filed seeking interim custody of the vehicle Mahindra Tractor with Trailer bearing Regn.No.TN 61 M 6260.

2. The learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle Mahindra Tractor with Trailer bearing Regn.No.TN 61 M 6260 and the respondent police registered a case against the petitioner in Cr.No.29/2022 for the offence under section 379 IPC r/w.21(1) and 21(2) of Mines and Minerals Act for illegally transporting sand. The tractor is the only livelihood for the petitioner and the allegation is that he transported ½ unit of river sand. In these circumstances, seeking to grant interim custody of the vehicle, he filed Cr.M.P.No.135 of 2023 before the Principal Sessions Judge, Ariyalur, but the same was dismissed by the Court below. Hence, he seeks to set aside the impugned order passed by the court below and to grant interim custody of the vehicle.

3. The learned Govt. Advocate (crl.side) submitted that the vehicle has



been involved by the petitioner in four previous offences of similar in nature.

To that effect, he has also filed status report of the respondent police, dated 22.02.2023, wherein, it has been stated that apart from the present crime number, the vehicle bearing Regn.No.TN 61M 6260 was already involved by the petitioner in committing sand theft in connection with the cases registered in Cr.No.71 of 2018 (Thalavai Police Station, Cr.No.65 of 2019 (Kuvagam Police Station) and Cr.No.107 of 2018 (Irumbilikurichi Police Station). He further submitted that in respect of Cr.No.71 of 2018 and Cr.No.65 of 2019, trial is pending in calendar case. Stating so, he strongly objected to grant interim custody of the vehicle.

4. Heard both sides and perused the impugned order, status report and other materials available on record.

5. On perusal of records, the fact reveals that on 20.05.2022, the Village Administrative Officer, Alathiyur, Ariyalur District, on receiving secret information regarding illegal sand theft, conducted raid near Thetheri village along with Government Officials, during the course of which, they intercepted a Mahindra Tractor with Trailer bearing Regn.No.TN 61 M 6260 carrying ½



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unit of river sand. On seeing them, the driver of the said vehicle escaped from that place. Thereafter, the vehicle was seized by the officials and handed over to the respondent police, pursuant to which, a case was registered in Crime No.29 of 2022 u/s.379 r/w.21(1) and 21(2) of Mines and Minerals Act against the petitioner and driver of the vehicle.

6. Perusal of records, would further reveal that the court below dismissed the petition filed by the petition seeking interim custody of the vehicle on the ground that the vehicle was already indulged by the petitioner in commission of same offence and having regard to the same, cases in Cr.No.71 of 2018, Cr.No.65 of 2019, Cr.No.107 of 2018 were registered for commission of same kind of offence and if the petitioner is allowed to take custody of the vehicle, he may use the same vehicle to commit the same offence in future.

7.Considering the fact that the petitioner has used the same vehicle previously for committing the same offence, this court is of the view that there is no infirmity or illegality in the order passed by the court below . The Revision Petition is devoid of merits, therefore, there same deserves to be dismissed and accordingly, it is hereby dismissed.



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Index: yes/no

Internet:yes/no

To

1. The Principal Sessions Judge, Ariyalur
2. The Inspector of Police,
Thalavai Police Station,
Ariyalur District.
3. The Public Prosecutor,
Madras High Court.

V. SIVAGNANAM, J.

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