



WEB COPY

Crl.R.C.No.544 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.R.C.No.544 of 2023

Suganya

... Petitioner

/vs/

State Rep by

The Sub Inspector of Police,

Thoothur Police Station,

Ariyalur District.

(Crime No.1 of 2022)

... Respondent

Prayer : Criminal Revision Case filed under section 397 r/w 401 of Cr.P.C, to set aside the order passed in Cr.M.P.No.197 of 2022 dated 04.03.2022 on the file of the Principal and Sessions Judge, Ariyalur Sessions Division, Ariyalur and set aside the same.

For petitioner ... Mr.V.Ilanchezian

For Respondent ... Mr.R.Vinothraja,
Government Advocate (Crl.Side)



ORDER

Challenging the judgment dated 04.03.2022 passed by the learned Principal and Session Judge, Ariyalur Sessions Division, Ariyalur in Cr.M.P.No.197 of 2022, this Criminal Revision is filed by the petitioner.

2.The learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle bearing Registration No.TN-57 AK 0180. The respondent Police registered a case against the accused for the offence under Section 379 I.P.C r/w 21(1) of Mines and Minerals (Development and Regulation) Act 1957 for the illegal transportation of river sand. He further submitted that if the vehicle is kept for a long time in the open space, it would cause damage to the vehicle. Hence, he prayed to return of the vehicle.

3.The learned Government Advocate (Crl.Side) appearing on behalf of the respondent submitted that the vehicle in question is also involved in a similar type of offence in Crime No.275 of 2022 for transporting the river sand illegally. Hence, he strongly objected to return the vehicle to him.



WEB COPY

4.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing on behalf of the respondent.

5.On perusal of the records, the fact reveals that on 04.01.2022, the respondent Police intercepted the vehicle and found the illegal transportation of river sand in the petitioner's Truck bearing Registration No.TN-57 AK 0180. Hence, the respondent Police registered a case against the accused in Crime No.1 of 2022 for the offence under Section 379 I.P.C r/w 21(1) of Mines and Minerals (Development and Regulation) Act 1957 and seized the vehicle. However, it is noticed that the same vehicle is involved in similar type of offence in Crime No.275 of 2021. The case has been registered on 15.07.2021 for the offence under Section 379 I.P.C r/w 21(1) of Mines and Minerals (Development and Regulation) Act 1957 for illegal transportation of river sand. Since the petitioner has breached the condition imposed by the trial Court while granting interim custody in Crime No.275 of 2021 and also that the vehicle in question is involved in similar type of offence in Crime No.1 of 2022, I am not inclined to grant interim custody of the vehicle to



Crl.R.C.No.544 of 2022

the petitioner. I find no infirmity in the order passed by the trial Court.

Accordingly, this revision is dismissed.

03.04.2023

srn

To

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



WEB COPY



Crl.R.C.No.544 of 2022

V.SIVAGNANAM, J.

srn

Crl.R.C.No.544 of 2023

03.04.2023