



CRL.RC.No.588 of 2023

IN THE HIGHCOURT OF JUDICATURE AT MADRAS

Dated : 03.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CRL.RC.No.588 of 2023

Kannadhasan

.. Petitioner

Vs.

The State, represented by
Inspector of Police,
Velur Police Station,
Namakkal District
(Cr.No.211/2019)

.. Respondent

Prayer: Criminal Revision Case is filed under Sections 397 and 401 Cr.P.C. to call for the records in CrI.M.P.No.864 of 2020 on the file of the Principal Session Judge, Namakkal and set aside the same and subsequently grant interim custody of the vehicle namely Ashok Leyland Dost bearing Regn.No.TN 47 AX 9212 to the petitioner in connection with the Cr.No.211 of 2019 on the file of the respondent police.

For Petitioner

: Mr. R. Vetrivel

For Respondent

: Mr. R.Vinoth Raja
Govt. Advocate (crl.side)



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ORDER

WEB COPY This Criminal Revision Case is filed to call for the records in CrI.M.P.No.864 of 2020 on the file of the Principal Session Judge, Namakkal and set aside the same and subsequently grant interim custody of the vehicle namely, Ashok Leyland Dost bearing Regn.No.TN 47 AX 9212 to the petitioner in connection with Cr.No.211 of 2019 on the file of the respondent police.

2. The learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle viz., Ashok Leyland Dost bearing Regn.No.TN 47 AX 9212. The respondent police registered a case against the accused persons in Cr.No.211 of 2019 for the offence under section 379 IPC, 1860, r/w.21(1) of Mines and Minerals Act and also seized the above said vehicle for illegally transporting Cauvery river sand. Seeking interim custody of the vehicle, the petitioner filed an application before the trial court, but the trial court, by passing the impugned order dismissed the same. Hence he prayed to set aside the impugned order by allowing this Criminal Revision Case.

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



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petitioner is having previous bad antecedents by involving in four previous cases of similar in nature viz., Cr.No.407 of 2019, Cr.No.228 of 2019, Cr.No.535 of 2017 and Cr.No.532 of 2018. He further submitted that the vehicle was already indulged by the petitioner in Cr.No.532 of 2017 for the offence under section 379 IPC r/w.21(i) of Mines and Minerals Act. Thus, he objected for granting interim custody of the vehicle.

4. Heard both sides and perused the materials available on record.

5. On perusal of records and First Information Report, it is seen that the respondent police registered a case in Cr.No.211 of 2019 for the offence under section 379 of IPC r/w.21(1) of Mines and Minerals Act on 2.5.2019 for illegally transporting Cauvery River sand and seized the vehicle. Further, as per the information furnished by the learned Govt. Advocate (crl.side), the petitioner is involved in the following four cases viz., Cr.No.407 of 2019, Cr.No.228 of 2019, Cr.No.535 of 2017 and Cr.No.532 of 2018 and the vehicle is also involved in similar type of offences in Cr.No.532/2017 for the offence u/s.379 r/w.,21(i) of Mines and Minerals Act. Since the petitioner has violated the condition imposed



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in the case in Cr.No.532 of 2017, while getting interim custody of this vehicle and the same vehicle was again involved in Cr.No.211 of 2019 for committing similar type of offence, this Court is not inclined to grant interim custody of the vehicle to the petitioner. Therefore, this Criminal Revision Case is dismissed.

03.04.2023

msr

Index :yes/no

Internet:yes/no

To

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

V. SIVAGNANAM, J.



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