



Crl.R.C.No.1698 of 2022

V. SIVAGNANAM, J.

WEB COPY

Today, the matter is posted under the caption 'for being mentioned' at the instance of the learned counsel for the petitioner, who submitted that this Court, by order dated 10.01.2023 dismissed the Criminal Revision. Whiles, in the order passed in Crl.R.C.No.1698 of 2022, in paragraph 7 it was mistakenly typed that 'the Civil Revision Petition is dismissed' instead of '*Criminal Revision Case is dismissed*'. Thus, he prayed for rectification of the above said mistake crept in, in the order dated 10.01.2023 passed in Crl.R.C.No.1698 of 2022.

2. Considering the submissions of the learned counsel for the petitioner, in the order passed in Crl.R.C.No.1698 of 2022, dated 10.01.2023 in paragraph 7, the following terms 'the Civil Revision Petition is dismissed. ' is replaced by the terms '*the Criminal Revision Case is dismissed.*'

3. The Registry is directed to carry out necessary corrections as stated above in the order dated 10.01.2023 in Crl.R.C.No.1698 of 2022 and issue fresh order copy.



V. SIVAGNANAM, J.

msr

WEB COPY

4. In other aspects, the earlier order shall stand unaltered.

18.07.2023

msr

Crl.O.P.No.1698 of 2022

18.07.2023



WEB COPY





IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:: 10.01.2023

CORAM

THE HONOURABLE MR. JUSTICE V. SIVAGNANAM

Crl.R.C.No.1698 of 2022

Vetriselvan

.. Petitioner

Vs.

1. State, represented by
Inspector of Police,
Attur Rural Police Station,
Salem District.
(Cr.No.195/2020)
2. KLM Finance,
201/104, Salem Main Road,
Vinayagapuram,
Attur Taluk, Salem District.

.. Respondents

PRAYER: Criminal Revision case filed under sections 397 r/w. 401 of Cr.P.C., praying to set aside the order dated 12.04.2022 made in Crl.M.P.No.717 of 2021 on the file of Principal Sessions Judge, Salem.

For Petitioner : Mr.W. Camyles Gandhi

For Respondents : Mr.V. Meganathan, GA (crl.side)

ORDER

This Criminal Revision has been filed challenging the order passed in Crl.M.P.No.717 of 2021, dated 12.04.2022 by the Principal Sessions Judge,



salem and set aside the same by allowing this revision.

WEB COPY

2. The learned counsel for the petitioner submitted that the petitioner is the owner of the two wheeler viz., CB 125 SHINE SP BSIV HONDA, bearing Regn.No.TN-77-J-5946. He further contended that the respondent police registered a case against the petitioner in Cr.No.195 of 2020 for the offence under sections 379, 353, 341, 506(i) IPC r/w.Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 alleging that the petitioner along with other accused committed sand theft and also threatened the Government Officials from discharging their duties. Pursuant to which, his vehicle has been seized by the respondent police and the same was kept under the custody before the Judicial Magistrate No.1, Attur in C.P.No.104 of 2020. Therefore, seeking interim custody of the vehicle, the petitioner filed CrI.M.P.No.717 of 2021 before the Principal Sessions Judge, Salem. But the court below dismissed the same on the ground that the petitioner has not produced any document to show that the vehicle seized in Cr.No.195 of 2020 belongs to him. Hence he filed the present Criminal Revision Case before this Court seeking interim custody of the vehicle.

3. When the matter is taken up for hearing, the learned Govt. Advocate



WEB COPY

(crl.side) objected to grant interim custody on the ground that in the two wheeler siezed by the respondent police, the Registration number, engine number and chassis number were erased. The petitioner cannot claim ownership over the two wheeler without registration number, engine number and chassis number. In the circumstances, the trial court rightly dismissed the petition seeking interim custody. Therefore, there is no reason to interfere with the impugned order. Hence, he pleaded to dismissal of the petition.

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

5. On verification of records, it is seen that the respondent police has registered a case against the petitioner/A2 for the offence under sections 379, 353, 341, 506(i) IPC r/w. Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Cr.No.195 of 2020.

6. The allegation against the petitioner in the FIR is that while the petitioner along with other accused illegally transported river sand by using Mahindra Pickup vehicle without registration number, they were intercepted by the VAO, Kalpaganur Village, and other government officials, this



WEB COPY

petitioner along with accused threatened the officials and also wrongfully restrained them from discharging their duties and by threatening the officials, they made the driver of the Mahindra Vehicle let out of the spot along with vehicle filled with sand. Thereafter, when the petitioner along with other accused attempted to escape in his two wheeler, the officials caught hold of him and his two wheeler. Pursuant to which, they seized petitioner's two wheeler without registration number and handed over to the custody of the respondent police.

7. On verification of the records and CD file, it is seen that the vehicle was seized without registration number and without engine number and chassis number. Therefore, before indulging in the commission of offence, the registration number, engine number and chassis number were erased. Further, the accused also gave a confession statement to the police, in which, he had stated that the alleged two wheeler Hero Honda was not bearing Registration number and Engine number. In the circumstances, the petitioner at present, cannot claim the ownership of such vehicle, by showing a registration certificate bearing registration number TN 77 J 5946 stating that the same is the registration number of the vehicle seized. In view of the above, this court finds that there is no reason to interfere with the order



passed by the court below, hence, there is no infirmity in the impugned order

passed by the court below. In the result, the Civil Revision Petition is

dismissed.

10.01.2023

Index: yes/no

Internet: yes/no

msr

To

1. The Principal Sessions Judge, Salem.
2. The Inspector of Police,
Attur Rural Police Station,
Salem District.



WEB COPY



V. SIVAGNANAM, J.

msr

Crl.R.C.No.1698 of 2022

10.01.2023

Crl.R.C.No.1698 of 2022