



*Crl.R.C.(MD).No.825 of 2023*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 25.09.2023

CORAM

**THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

Crl.RC(MD)No.825 of 2023

Sekharan

... Revision Petitioner/Petitioner/  
Owner of the Vehicle

Vs.

State Rep. by  
The Inspector of Police,  
Thuckalay Police Station,  
Kanniyakumari District.  
In (Crime No.179 of 2023)

... Respondent/Respondent/  
Complainant

**PRAYER:** Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to call for the records relating to the order dated 11.07.2023 in CrI.M.P.No.3628 of 2023 in Crime No.179 of 2023 on the file of the Learned Principal Sessions Judge, Kanniyakumari District, Nagercoil, set aside the same and consequentially direct the Learned Judicial Magistrate, No.1, Padmanabapuram, Kanniyakumari District to return the vehicle bearing Reg.No.TN-75-Y-4743 to the petitioner herein.

For Petitioner : Mr.G.R.Satish

For Respondent : Mr.T.Senthil Kumar,  
Additional Public Prosecutor



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**ORDER**

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This petition has been filed to set aside the order passed by the Learned Principal Sessions Judge, Kanniyakumari District, Nagercoil, in Crl.M.P.No. 3628 of 2023 dated 11.07.2023 and consequentially, direct the Learned Judicial Magistrate, No.1, Padmanabapuram, Kanniyakumari District to return the vehicle bearing Reg.No.TN-75-Y-4743 to the petitioner herein.

2. The learned counsel for the petitioner submitted that even in the FIR, the allegation made against the petitioner is that he attempted to take sand and the vehicle was recovered from the occurrence place without sand.

3. The learned Additional Public Prosecutor appearing for the State on instructions, submitted that as per the order of this Court dated 19.09.2023, the vehicle was released. He further submitted that the petitioner has involved in illegal transportation of sand beyond the limit mentioned in the license.

4. In view of the submission made by the learned Additional Public Prosecutor, it is left open to the Investigating Officer to conduct investigation regarding the illegal mining and transportation of sand beyond the limit mentioned in the license.



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5. Since the vehicles are already have been released, this Criminal Revision Case is disposed of with the above observation.

**25.09.2023**

NCC : Yes/No  
Index : Yes/No  
Internet: Yes/No  
dss

To

- 1.The Learned Principal Sessions Judge, Kanniyakumari District,  
Nagercoil.
- 2.The Judicial Magistrate, No.1, Padmanabapuram,  
Kanniyakumari District.
- 3.The Inspector of Police,  
Thuckalay Police Station,  
Kanniyakumari District.
- 4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.
- 5.The Section Officer,  
Records Section (Criminal)  
Madurai Bench of Madras High Court,  
Madurai.



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**K.K.RAMAKRISHNAN, J.**

dss

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