



Crl.R.C(MD).No.483 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 06.06.2024

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THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

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Buvaneshwaran

... Petitioner

Vs.

- 1.State through the
Inspector of Police,
R.S.Mangalam Police Station,
Ramanathapuram District.
- 2.The Revenue Divisional Officer,
Ramanathapuram.
- 3.The Assistant Director,
Mines and Minerals Department,
Ramanathapuram.
- 4.The Tahsildar,
R.S.Mangalam,
Ramanathapuram District.

... Respondents

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 passed in Crl.M.P.No.4981 of 2023 on the file of the learned Principal Session Judge, Ramanathapuram dated 22.12.2023 and set aside the same and order interim custody of the Tipper



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Lorry bearing registration No.TN-63-BK-9982 to the petitioner, which was seized by the first respondent.

For Petitioner : Mr.Venkatesh
For Respondents : Mr.R.Sivakumar
Government Advocate (Crl. Side)

ORDER

The Criminal Revision Case has been filed to call for the records relating to the order passed in Crl.M.P.No.4981 of 2023 on the file of the learned Principal Session Judge, Ramanathapuram dated 22.12.2023 and set aside the same and order interim custody of the Tipper Lorry bearing registration No.TN-63-BK-9982 to the petitioner, which was seized by the first respondent.

2. The petitioner claims to be the owner of the Tipper Lorry bearing Reg.No.TN 63-BK-9982. On the date of occurrence, the respondent Police intercepted the vehicle/ Tipper Lorry and seized the vehicle as the same was used for transporting of soil illegally without any valid licence or permit and registered a case in Crime No.220 of 2023 for the offences under Sections 379 I.P.C and 21(4) of Mines and Minerals (Development and Regulations) Act, 1957.



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3. It is not in dispute that the petitioner has approached the learned Principal Sessions Judge, Ramanathapuram, for returning of the said vehicle in Crl.M.P.No.4981 of 2023 and learned Principal Sessions Judge, Ramanathapuram, vide order dated 22.12.2023, dismissed the petition. Challenging the same, the above Criminal Revision came to be filed before this Court.

4. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he is no way connected with the offences alleged against the petitioner and the vehicle was never involved in any illegal activity and the respondent police without verifying the same has foisted the above false case. He would further submit that the petitioner's family is depending upon the income derived from the above said vehicle.

5. The learned Government Advocate (Criminal Side) appearing for the respondent police submits that already the confiscation proceedings have been initiated. Therefore, the learned Principal Sessions Judge, Ramanathapuram, rightly dismissed the above said petition. Hence, he prayed for dismissal of this petition.



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6. This Court considered the rival submissions made by the learned counsel appearing on either side and perused the materials available on records and also the impugned order.

7. Perusal of records show that already the confiscation proceedings have been initiated in Cr.M.P.No.5555 of 2023 before the Judicial Magistrate, Thiruvadanai.

8. Since the confiscation proceedings have been initiated before the concerned Court, this Criminal Revision Case is disposed of with a direction to the learned Principal Session Judge, Ramanathapuram to send all the records to the learned Judicial Magistrate, Thiruvadanai within a period of two weeks from the date of receipt of copy of this order. The learned Judicial Magistrate, Thiruvadanai is directed to complete the confiscation proceedings within a period of two months from the date of receiving the records from the learned Principal Session Judge, Ramanathapuram.

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NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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Ramanathapuram.
- 4.The Assistant Director,
Mines and Minerals Department,
Ramanathapuram.
- 5.The Tahsildar,
R.S.Mangalam,
Ramanathapuram District.
- 6.The Section Officer,
Record Section (Criminal),
Madurai Bench of Madras High Court, Madurai.



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K.K.RAMAKRISHNAN, J.

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