



Crl.R.C.(MD)No.861 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.861 of 2024

Thiyagarajan

... Petitioner

Vs.

1.Thiyagarajan

2.Kamaraj

3.The Inspector of Police,
Kattuputhur Police Station,
Trichy District.
(Crime No.131 of 2024)

... Respondents

PRAYER : Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C., to call for the entire records pertaining to the order passed by the learned District Munsif cum Judicial Magistrate, Thottiyam in Crl.M.P.No.954 of 2024 vide order dated 19.07.2024 and quash the same and consequently, direct the learned District Munsif cum Judicial Magistrate, Thottiyam to return the petitioner's Bolero Pickup bearing its registration number TN-33-R-8916 in connection with the case in Cr.No. 131 of 2024 on the file of the third respondent Police.



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For Petitioner : Mr.K.Arunraj

For R3 : Mr.K.Sanjai Gandhi,
Government Advocate (Crl. Side)

ORDER

The Criminal Revision is directed against the order passed in Crl.M.P.No. 954 of 2024 in Crime No.131 of 2024 dated 19.07.2024 on the file of the learned District Munsif cum Judicial Magistrate, Thottiyam, dismissing the petition filed under Sections 451 & 457 Cr.P.C.

2.The petitioner claims to be the owner of Bolero Pickup bearing its registration number TN-33-R-8916. On 29.04.2024, the third respondent police has registered a case in Crime No.131 of 2024 for the offences under Section 379 IPC and Section 21(4) of Mines and Minerals (Development & Regulation) Act, 1957 and seized the above said vehicle bearing Registration No.TN-33-R-8916for the alleged illegal transportation of river sand.



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3.It is not in dispute that the petitioner has approached the learned District Munsif cum Judicial Magistrate, Thottiyam, for returning of the said vehicle in Crl.M.P.No.954 of 2024 and the learned Magistrate, vide order dated 19.07.2024, has dismissed the petition. Aggrieved by the order of dismissal, the petitioner has now come forward with the present revision.

4.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

5.The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioner is the owner of the vehicle, that the petitioner is the first accused and that the petitioner was having four previous cases, which are all similar in nature and hence, he would oppose to allow this revision.

6.Considering the facts and circumstances of the case and also considering the antecedents of the petitioner, this Court is of the view



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that there is no illegality or infirmity in the order passed by the learned Magistrate. Accordingly, this criminal revision case is dismissed.

10.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
gns

To

- 1.The District Munsif cum Judicial Magistrate, Thottiyam
- 2.The Inspector of Police,
Kattuputhur Police Station,
Trichy District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

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