



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.419 of 2021

Killmanbabu @ Hilmanbabu

... Petitioner/Petitioner

..VS..

State Represented by,
Inspector of Police,
M-8, Sathangadu Police Station,
Chennai,
Crime No.42 of 2021.

... Respondent/Respondent

Criminal Revision Case filed under Section 397 and 401 Cr.P.C to set aside the order passed by the learned Judicial Magistrate, Thiruvettriur in Crl.M.P.No.1412 of 2021 dated 06.05.2021 and consequently, direct the respondent police to return the Container Lorry bearing Reg.No.TN 28 K 6046 Model Container Lorry Ashok Leyland Ltd (HW YELLOW COLOUR) having Engine No.DVH230817 and Chassis No.DVH077387, which was seized by the respondent police in Crime No.42 of 2021.

For Petitioner : Mr.T.K.Sathiaseelan

For Respondent : Mr.S.Sugendran
Government Advocate (Crl.Side)

O R D E R

This Criminal Revision Case has been filed against the order dated 06.05.2021 passed in Crl.M.P.No.1412 of 2021 by the learned Judicial Magistrate, Thiruvettriur.

2.The respondent police registered a case in Crime No.42 of 2021 against the petitioner for the offence under Sections 328 IPC r/w 20(1) of Cigarette and Other Tobacco Products Acts, 2003 and seized the Container Lorry bearing Reg.No.TN 28 K 6046, Model Container Lorry Ashok Leyland Ltd (HW YELLOW COLOUR) having Engine No.DVH230817 and Chassis No.DVH077387. During the pendency of the investigation, the petitioner filed a petition in Crl.M.P.No.1412 of 2021 under Sections 451 and 457 of Cr.P.C



3. The learned counsel for the petitioner would submit that the petitioner is the owner of the vehicle and he is in no way connected with the alleged offence. The driver of the lorry transported the prohibited goods, without the knowledge of the petitioner. He would further submit that the vehicle in question is in the custody of the Court for more than six months and the said vehicle is the livelihood for the petitioner. Therefore, he seeks interim custody of the said vehicle and that he would abide by stringent conditions, if any, to be imposed on him.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (CrI.Side) for the respondent and also perused the materials available on record.

<https://hcservices.ecourts.gov.in/hcservices/>



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7. Under these circumstances, this Court does not find any perversity or infirmity in the order passed by the Court below. Accordingly, this Criminal Revision case is dismissed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Ms

To

1. The Judicial Magistrate,
Thiruvettriur.
2. The Inspector of Police,
M-8, Sathangadu Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

Cr1.R.C.No.419 of 2021

NMI (CO)
GN(05/08/2021)