



Crl.R.C.No.399 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2025

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No. 399 of 2023

Kanagarathinam

... Petitioner

..VS..

State Rep.by
The Inspector of Police,
Keelaiyur Police Station,
Nagapattinam District,
Crime No.808 of 2020.

... Respondent

Criminal Revision Petition filed under Sections 397 read with 401 Cr.P.C., to call for the records in Crl.M.P.No.161 of 2023 on the file of the Principal District Sessions Judge, Nagapattinam and set aside the same subsequently grant interim custody of the vehicle namely Kubota Tractor having Engine No.BKY0880 and Chassis No.KBTM30TNVMTL52397 with Tipper to the petitioner in connection with Crime No.808 of 2020 on the file of the respondent Police.

For Petitioner : Mr.K.Pragadeesh Kumar

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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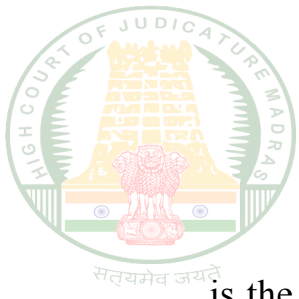
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ORDER

This Criminal Revision Petition has been filed to set aside the order passed in Crl.M.P.No.161 of 2023 by the Principal District and Sessions Judge, Nagapattinam.

2. The petitioner is the owner of the subject vehicle i.e., Kubota Tractor, having Engine No.BKY0880 and Chassis No.KBTM30TNVMT L52397 along with Tipper, which was seized by the respondent-Police in connection with a case in Crime No.808 of 2020 for the offences punishable under Section 379 IPC read with Section 21(1) of Mines and Minerals Act. Therefore, the petitioner filed a petition in Crl.M.P.No. 161 of 2023 before the Principal District and Sessions Judge, Nagapattinam, seeking for interim custody of the said vehicle and the learned Sessions Judge, *vide* order dated 10.01.2023 dismissed the petition. Challenging the same, the present Criminal Revision Petition is filed by the petitioner.

3. Learned counsel for the petitioner submitted that the petitioner



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is the owner of the subject vehicle and he is not involved in the alleged offence either directly or indirectly. However, the respondent-Police had registered a false case and seized the said vehicle, as if the said vehicle of the petitioner was used in the illegal sand mining. The subject vehicle is the only source of income to the petitioner and his family and hence, he prays for interim custody of the said vehicle.

4. Learned Additional Public Prosecutor appearing for the respondent-Police, on instructions, submitted that the subject vehicle was used for illegal transportation of one unit of savudu sand and if the vehicle in question is returned to the petitioner, the same would again be used for similar illegal sand mining. He further submitted that the subject vehicle was already produced before the Court below. Further, the investigation is under progress and confiscation proceedings have been initiated by the competent authority and the petitioner has been served with show cause notice and hence, he is not entitled to seek interim custody of the vehicle.

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



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6. Taking note of the above submissions, this Court finds that investigation has been completed, charge sheet has also been filed and confiscation proceedings have been initiated by the competent authority under Section 14(4) of Tamil Nadu Prohibition Act. Pending confiscation proceedings no orders for interim custody of the vehicle can be passed. Therefore, this Court does not find any compelled reasons to interfere with the order passed by the Court below. Accordingly, this Criminal Revision Petition is dismissed. It is open to the petitioner to participate in the confiscation proceedings.

22.04.2025

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To

1. The Principal District and Sessions Judge,
Nagapattinam.
2. The Inspector of Police,
Keelaiyur Police Station,
Nagapattinam District.
3. The Public Prosecutor,
High Court, Madras.

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P.VELMURUGAN, J.

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