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Crl.R.C.No.236 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2025

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.236 of 2025

Senthil

S/o.Ramalingam

... Petitioner

..VS..

State Rep. by
The Inspector of Police
Manalmedu Police Station
Mayiladuthurai District
(Crime No.304 of 2024)

... Respondent

Criminal Revision Case filed under Sections 438 of BNSS, 2023 read with 442 of BNSS, 2023 to call for the records in Crl.M.P.No.5594 of 2024 dated 20.01.2025 on the file of the learned Judicial Magistrate No.1, Mayiladuthurai and set aside the same and release the vehicle blue colour LMV Escort Tractor (Agriculture) bearing Chasis No.T053682239JM and Engine No.E3776655 along with tipper to the petitioner within the time frame to be stipulated by this Court.

For Petitioner	:	Mr.S.John Josh
For Respondent	:	Mr.S.Sugendran Additional Public Prosecutor

ORDER

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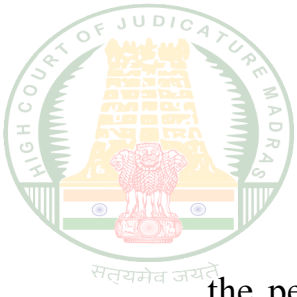


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This Criminal Revision Petition is preferred against the order dated 20.01.2025 passed in Crl.M.P.No.5594 of 2024 by the Judicial Magistrate No.1, Mayiladuthurai and to release the vehicle blue colour LMV Escort Tractor (Agriculture) bearing Chassis No.T053682239JM and Engine No.E3776655, along with tipper to the petitioner within a time frame to be stipulated by this Court.

2. The petitioner is the owner of the vehicle namely LMV Escort Tractor (Agriculture) bearing Chasis No.T053682239JM and Engine No.E3776655 along with tipper. According to the petitioner, the said vehicle was seized by the respondent-Police in connection with the case in Crime No.304 of 2024 for the offences punishable under Section 303(2) of BNS Act, 2023 read with Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957. Therefore, the petitioner filed a petition in Crl.M.P.No.5594 of 2024 before the Judicial Magistrate-I, Mayiladuthurai, seeking interim custody of the said vehicle. The learned Magistrate, after appreciating the submissions of both sides, dismissed



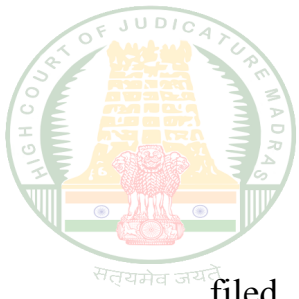
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the petition on 20.01.2025. Challenging the same, the present Criminal Revision Petition is filed by the petitioner.

3. Learned counsel for the petitioner submitted that the petitioner is the owner of the subject vehicle and he is not involved in the alleged offence either directly or indirectly and the respondent-Police falsely implicated the alleged property in this case. He further submitted that the respondent-Police after taking possession of the said vehicle, parked the same outside the police station. If the vehicle in question is left idle in the open space and exposed to sun and rain, the condition of the vehicle would be deteriorated and the value of the vehicle would be lost, thereby, putting the petitioner to great loss and hardship and hence, he seeks interim custody of the vehicle and that he would abide by stringent conditions, if any, that may be imposed on him.

4. Learned Additional Public Prosecutor appearing for the respondent-Police submitted that the subject vehicle was used for allegedly transporting one unit of river sand. He further that after completion of investigation in Crime No.304 of 2024, a charge sheet was



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filed through e-filing on 08.04.2025, *vide*, e-filing No.LTN-2022000002/C202500106 before the Judicial Magistrate-I, Mayiladuthurai, and subject property was also produced before the Court below, *vide* C.P.No.144 of 2024 on 31.12.2024 itself. He further submitted that the petitioner is not entitled to seek interim custody of the said vehicle since confiscation proceedings have been initiated.

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

6. Taking note of the above submissions, this Court finds that already investigation completed, charge sheet filed, subject property produced before the Court below 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 reason to interfere with the order passed by the Court below. Accordingly, this Criminal Revision Petition is dismissed. It is open to the petitioner to work out his remedy before the competent authority, where the confiscation proceedings are pending.



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Index: Yes/No
Speaking Order/Non Speaking Order
Neutral Citation Case : Yes/No
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To

1. The Judicial Magistrate No.1,
Mayiladuthurai.
2. The Inspector of Police
Manalmedu Police Station
Mayiladuthurai District.
3. The Public Prosecutor
High Court, Madras.



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P.VELMURUGAN, J.

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