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CRL RC No. 277 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-04-2025

CORAM

THE HONOURABLE MR JUSTICE P. VELMURUGAN

CRL RC No. 277 of 2025

Suresh
S/o.Rajapandian,
D/No.2-16, Ramar Madatheru,
Orathur, Nagapattinam Taluk,
Nagapattinam District.

Petitioner

Vs

The State Rep By,
The Inspector Of Police,
Velankanni Police Station,
Nagapattinam District.
Cr.No.224/2024.

Respondent

PRAYER: This Criminal Revision Petition is filed under Section 438 read with 442 of BNSS, to call for the records relating to order dated 19.11.2024 passed in CrI.M.P.No.850/2024 in Cr.No.224/2024 on the file of the District Munsif Cum Judicial Magistrate Court at Kilvelur, Nagapattinam District and to set aside the same and further to direct the respondent/Police to release the vehicle Ashok Leyland Limited Tipper lorry, Yellow Diesel, bearing Registration No.TN33A6969.



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For Petitioner(s): Mr. B.Balamurugan

For Respondent(s): Mr.S.Sugendran
Additional Public Prosecutor

ORDER

This Criminal Revision Petition has been filed to call for the records relating to order dated 19.11.2024 passed in Crl.M.P.No.850/2024 in Cr.No.224/2024 on the file of the District Munsif Cum Judicial Magistrate Court at Kilvelur, Nagapattinam District and to set aside the same and further to direct the respondent/Police to release the petitioner's vehicle.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent-Police and perused the materials available on record.

3. The learned counsel for the petitioner submitted that the respondent Police registered a case in Crime No.224 of 2024 against the petitioner for the offence under Sections 303(2) of BNS and Section 21(1) of Mines and Minerals (Development and Regulation) Act 1957. The petitioner is the owner of the vehicle. The alleged offence is that the petitioner used his vehicle for

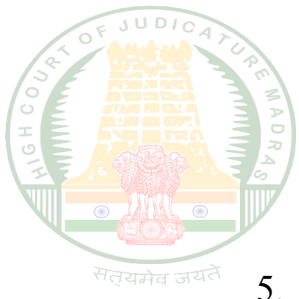


illegal transportation of sand. The petitioner is noway connected with the alleged offence. Hence, the petitioner filed a petition in Crl.M.P.No.850/2024

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under Sections 497 and 503 of BNSS seeking return of vehicle, on the file of the District Munsif Cum Judicial Magistrate Court at Kilvelur, Nagapattinam District . The learned Magistrate dismissed the same vide impugned order dated 19.11.2024. Aggrieved by the same, the petitioner has filed this Criminal Revision Petition.

4. The learned Additional Public Prosecutor appearing for the respondent-Police submitted that investigation has been completed and charge sheet has also been filed before the Judicial Magistrate Court, Kilvelur vide e-filing No.LTN20230000650/C202500002. He further submitted that the vehicle has been produced before the Court concerned and C.P.No.28 of 2025 has also been allotted. He also submitted that confiscation proceedings has been initiated and the same is pending.



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5. In view of the fact that charge sheet has been filed before the court concerned and confiscation proceedings has also been initiated, this Criminal Revision Petition is dismissed. The petitioner is at liberty to participate in the confiscation proceeding.

29-04-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The District Munsif Cum Judicial Magistrate,
Kilvelur, Nagapattinam District
2. The Inspector Of Police,
Velankanni Police Station,
Nagapattinam District.
3. The Public Prosecutor,,
High Court, Chennai.



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P.VELMURUGAN J

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