



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-02-2025

WEB COPY

CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 4654 of 2025

Dheena @ Dhinakaran

Petitioner

Vs

The State

Rep By, The Inspector Of Police,

Kanchi Taluk Police Station,

Kancheepuram District.

Cr.No.1345/2023.

Respondent

PRAYER:- Criminal Original Petition filed under Sec. 528 of B.N.S.S., praying to set aside the order passed in C.R.P.No.4/2024 dated 16.12.2024 on the file of Principal District and Sessions Judge at Kancheepuram in Crl.M.P.No.527/2024 on the file of Judicial Magistrate II at Kancheepuram and direct the respondent to release the vehicle TATA tipper lorry bearing Regn. No. TN-21-AM-8537 (Engine No. 21G6327493 (Chassis No. MAT449022C3G20129), which was seized in connection with Crime No. 145 of 2023 on the file of respondent police to the petitioner.

For Petitioner: Mr.B.Hariharan

For Respondent: Mr. K.M.D.Muhilan
Government Advocate (Crl. Side)



ORDER

WEB COPY

This Criminal Original Petition has been filed challenging the order dated 16.12.2024 passed in C.R.P.No.4 of 2024 in CrI.M.P.527 of 2024 by the Principal District and Sessions Judge, Kancheepuram, thereby dismissing the application filed for return of vehicle.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. A perusal of the records reveals that the petitioner is an accused in Crime No.1345 of 2023. It is alleged that he used his TATA tipper lorry bearing Registration No.TN-21-AM-8537 for illegal transportation of river sand. Accordingly, an FIR was registered for the offences under Sections 379, 430 of IPC read with 21(1) of Mines and Minerals Act. Pursuant to the registration of the FIR, the vehicle owned by the petitioner was seized and confiscation proceedings are under progress.



WEB COPY

4. In the meanwhile, the petitioner filed a petition in Crl.M.P.No.527 of 2024 seeking for return of the vehicle and the same was dismissed on the ground that already the petitioner vehicle had already been involved in a similar offence previously and the original Registration Certificate is in the custody of the learned Judicial Magistrate, Kancheepuram. In fact, on an earlier occasion, the petitioner's vehicle was released on the petitioner's undertaking that it would not be used for any illegal activities in the future and in case of any violation, it would be liable for confiscation. Despite such an undertaking, the petitioner has once again been found involved in a similar offence. Therefore, the petition for return of vehicle was rightly rejected.

5. In view of above, this Court finds no infirmity or illegality in the dated 16.12.2024 passed in C.R.P.No.4 of 2024 in Crl.M.P.527 of 2024 by the Principal District and Sessions Judge, Kancheepuram. Accordingly, this Criminal Original Petition stands dismissed. However, the Judicial Magistrate



No.II, Kancheepuram, is directed to complete the confiscation proceedings as expeditiously as possible.

WEB COPY

20-02-2025

lpp

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. Principal District and Sessions Judge, Kancheepuram.
2. Judicial Magistrate-II, Kancheepuram.
3. The Inspector Of Police, Kanchi Taluk Police Station, Kancheepuram Dt.
4. The Public Prosecutor, High Court, Madras.



WEB COPY

CRL OP No. 4654 of 2025



G.K.ILANTHIRAIYAN J.

lpp

**CRL OP No. 4654 of
2025**

20-02-2025