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Crl.R.C.No.318 Of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2025

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.318 of 2025

Vijayakumar

... Petitioner

Vs

State of Tamil Nadu represented by,
The Station House Officer,
Tirukoilur Police Station,
Kallakurichi District.

... Respondent

PRAYER:

Criminal Revision Petition filed under Section 438 of BNSS read with 442 of BNSS, to set aside the order passed by the Judicial Magistrate Court at Thirukoilur in C.M.P.No.4675 of 2024 dated 19.11.2024.

For Petitioner : Mr.G.Saravanabhavan

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER



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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 petitioner is the owner of the vehicle. The alleged offence is that the petitioner has transported 2 bags weighing 50 Kg each of river sand illegally. The petitioner is noway connected with the alleged offence. Hence, the petitioner filed a petition in C.M.P.No.4675 of 2024 on the file of the Judicial Magistrate Court,Thirukoilur, seeking return of property which was seized by the respondent-Police. 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



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respondent-Police submitted that the petitioner has transported river sand illegally. Hence, the respondent-Police seized the petitioner's vehicle in Crime No.460 of 2024 for the offences under Sections 303(2) of BNS, 21(1) of MMDR Act. He further submitted that the Investigation is pending. Hence, he seeks dismissal of this petition.

5. The petitioner has filed C.M.P.No.4675 of 2024 under Section 503 and 497(2) of BNSS, before the Judicial Magistrate Court, Tirukoilur seeking to return of his property ie., Hero Honda Splendor Plus bearing Reg.No.TN -32-BB-1671, which was seized by the respondent-police. The trial Court has dismissed the same vide impugned order dated 19.11.2024. Aggrieved by the same, the petitioner has filed this criminal revision petition. It is submitted by the learned Additional Government Pleader appearing for the respondent-police that investigation is pending. Considering the nature of offence and pending investigation, this Court is not inclined to interfere with the impugned order passed by the learned Magistrate.



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6. In view of the above, this Criminal Revision Petition is dismissed.

14.02.2025

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

1. The Judicial Magistrate, Thirukoilur
2. The Station House Officer,
Tirukoilur Police Station,
Kallakurichi District.
3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

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