



WEB COPY



Crl.RC.No.441 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.RC.No.441 of 2025

Anbu

... Petitioner

Vs.

The Sub Inspector of Police
Kandili Police Station
Tirupattur District
(Crime No.537 of 2024)

... Respondent

Prayer: Criminal Revision Case filed under Section 438 & 442 of B.N.S.S. 2023 to set aside the order passed in C.M.P.No.9812 of 2024 in Crime No.537 of 2024 dated 20.01.2025 by the Judicial Magistrate No.II, Tirupattur.

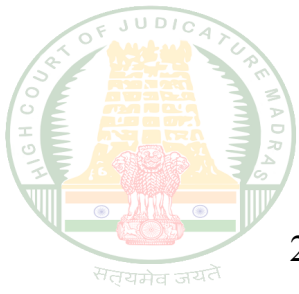
For Petitioner : Mr.R.Sudhakar

For Respondent : Mr.S.Sugendran

Additional Public Prosecutor

ORDER

This Criminal Revision Case has been filed by the petitioner to set aside the order passed in C.M.P.No.9812 of 2024 in Crime No.537 of 2024 dated 20.01.2025 by the Judicial Magistrate No.II, Tirupattur.

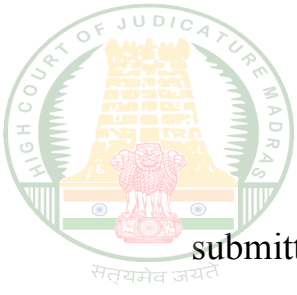


Crl.RC.No.441 of 2025

WEB COPY

2. The case of the petitioner is that the petitioner is the owner of the Tractor bearing Regn. No.TN-23-BT-0522. The said vehicle was seized by the respondent police on 12.10.2024 and registered a case in Crime No.537 of 2024 registered for the offence under Sections 305(e), 326(a) of BNS and 21(1) of Mines and Minerals (Development & Regulation) Act adding this petitioner as first accused. Thereafter, the petitioner filed a petition in C.M.P.No.9812 of 2024 before the Judicial Magistrate No.II, Tirupattur, seeking return of vehicle, but the said petition was dismissed by order dated 20.01.2025 on the ground that the said vehicle was already involved in similar offence. Hence, the present revision is filed.

3. The learned counsel for the petitioner submitted that the petitioner has got license to take sand and despite the same, the respondent police seized the vehicle of the petitioner. Further, the vehicle of the other accused was already released. Therefore, the petitioner filed a petition before the Magistrate seeking return of his vehicle but the same was dismissed by the Magistrate. He further



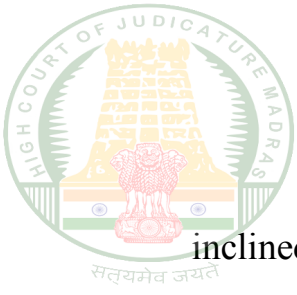
Crl.RC.No.441 of 2025

submitted that if the vehicle is kept idle in the open place, it would get damaged due to natural calamities. Hence, he seeks interim custody of his vehicle.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner was given permit to take sand only from Pudhupatti Lake that too from 08.10.2024 to 10.10.2024 and 14.10.2024 to 16.10.2024 whereas, in the present case, the said vehicle was seized from Krishnauram Lake on 12.10.2024. Further, the said vehicle was already involved in same nature of offence in Crime No.282 of 2012 and after obtaining the interim custody of the vehicle, it has been utilized for same nature of offence. Therefore, the learned Magistrate rightly dismissed the petition. He also submitted that the investigation is pending the property is in the custody of the Court and C.P. number has also been allotted.

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

6. It is seen that the investigation is pending. Therefore, this Court is not



Crl.RC.No.441 of 2025

inclined to interfere with the order of the Magistrate.

WEB COPY

7. Accordingly, this Criminal Revision Case is **dismissed**.

8. The respondent police is directed to complete the investigation and file the charge sheet within a period of two months from the date of receipt of a copy of this order.

9. The petitioner is at liberty to work out his remedy before the trial Court after the filing of the charge sheet. If no confiscation proceedings is initiated by the authorities concerned, the trial Court is directed to consider the application of the petitioner on merits and in accordance with law.

17.03.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

ksa-2



CrI.RC.No.441 of 2025

To

WEB COPY

1. The Judicial Magistrate No.II,
Tirupattur.
2. The Sub Inspector of Police
Kandili Police Station
Tirupattur District
3. The Public Prosecutor
High Court of Madras



WEB COPY



Crl.RC.No.441 of 2025

P.VELMURUGAN. J.

Ksa-2

Crl.RC.No.441 of 2025

17.03.2025