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Crl.R.C.No.518 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2025

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No. 518 of 2024

Sakthivel

... Petitioner

..VS..

State Rep.by
The Inspector of Police,
Gurubarapalli Police Station,
Krishnagiri District,
Crime No.21 of 2024.

... Respondent

Criminal Revision Petition filed under Sections 397 and 401 Cr.P.C., to set aside the order dated 28.02.2024 made in Crl.M.P.No.981 of 2024 in Crime No.21 of 2024 on the file of the Judicial Magistrate No.II, Krishnagiri.

For Petitioner : Mr.P.M.Jayachandran
For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

This Criminal Revision Petition is filed against the order dated 28.02.2024 made in Crl.M.P.No.981 of 2024 in Crime No.21 of 2024 on the file of the Judicial Magistrate No.II, Krishnagiri.



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2. According to the petitioner, he is the owner of the vehicle namely Tipper Lorry bearing Registration No.TN-70-C-6669, which was seized by the respondent-Police in connection with a case in Crime No.21 of 2024 for the offences punishable under Sections 379 IPC. Therefore, the petitioner filed a petition in Crl.M.P.No. 981 of 2024 before the Judicial Magistrate – II, Krishnagiri, seeking for interim custody of the said vehicle and the learned Magistrate, *vide* order dated 28.02.2024 dismissed the petition. 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 did not transport river sand as alleged by the prosecution and he only carried his vehicle for his own purpose. The subject vehicle is the only source of income to the petitioner's family and hence, he prays for interim custody of the said vehicle.

4. Learned Additional Public Prosecutor appearing for the



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respondent-Police, on instructions, submitted that the subject vehicle was used for illegal transportation of river sand and if the vehicle in question is returned to the petitioner, the same would again be used for similar illegal sand mining. He further submitted that the subject vehicle was produced before the Court below in C.P.No.11 of 2024 on 31.01.2024 before the Judicial Magistrate-II, Krishnagiri. He further submitted that the investigation is over and charge sheet has also been filed before the trial Court in C.C.No.334 of 2024. He further submitted that confiscation proceedings have been initiated and the petitioner has been served with show cause notice and hence, he is not entitled to seek interim custody of the vehicle.

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

6. Taking note of the above submissions, this Court finds that investigation has been completed, charge sheet has also been filed 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



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passed by the Court below. Accordingly, this Criminal Revision Petition is dismissed. It is open to the petitioner to participate in the confiscation proceedings.

22.04.2025

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To

1. The Judicial Magistrate-II,
Krishnagiri.
2. The Inspector of Police,
Gurubarapalli Police Station,
Krishnagiri District.
3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J.

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