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Crl.R.C.No.492 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2025

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No. 492 of 2025

R.Thenmalar

... Petitioner

..VS..

The State Rep.by
Inspector of Police,
Keezhaiyur Police Station,
Nagapattinam District,
Crime No.218 of 2024.

... Respondent

Criminal Revision Case filed under Sections 438 read with 442 BNS, to set aside the order in Crl.M.P.No.910 of 2024 dated 22.01.2025 passed in Crime No.218 of 2024 on the file of the District Munsif-cum-Judicial Magistrate, Kilvelur – District and consequently direct the respondent to return the petitioner's vehicle namely JCB bearing Registration No.TN-51-AM-5485 to the petitioner as interim custody.

For Petitioner : Mr.E.Balaji

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

This Criminal Revision Petition is filed against order dated 22.01.2025 made in Crl.M.P.No.910 of 2024 on the file of the District Munsif-cum-Judicial Magistrate, Kilvelur.

2. The petitioner is the owner of the vehicle namely JCB 3DX, bearing Registration No.TN-51-AM-5485 and according to the petitioner, the said vehicle was seized by the respondent-Police in connection with the case in Crime No.218 of 2024 for the offences punishable under Sections 303(2) of BNS and 21(1) of Mines and Minerals (Development & Regulation) Act. Therefore, the petitioner filed a petition under Sections 497 and 503 BNSS, 2023 in Crl.M.P.No.910 of 2024 before the District Munsif-cum-Judicial Magistrate, Kilvelur, seeking interim custody of the vehicle. The learned Magistrate, after appreciating the submissions of both sides, dismissed the petition on 22.01.2025. Aggrieved by the same, the present Criminal Revision Petition is filed by the petitioner.



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3. Learned counsel for the petitioner submitted that the petitioner is the owner of the subject vehicle and the said vehicle is no way connected with the alleged offences. He further submitted that if the vehicle in question is left idle in the open space exposed to sun and rain, the condition of the vehicle would be deteriorated and the value of the vehicle would be lost, thereby, putting the petitioner to great loss and hardship and hence, he seeks interim custody of the vehicle and that he would abide by stringent conditions, if any, to be imposed on him.

4. Learned Additional Public Prosecutor appearing for the respondent-Police, on instructions, submitted that the subject vehicle was used for allegedly transporting one unit of savudu sand and that a case in Crime No.218 of 2024 for the offences punishable under Sections 303(2) of BNS and 21(1) of Mines and Minerals (Development & Regulation) Act. He further submitted that the petitioner is not entitled to seek interim custody of the vehicle since confiscation proceedings have been initiated.



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

6. Taking note of the above submissions, this Court finds that investigation is pending and charge sheet is not yet 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 passed by the Court below. Accordingly, this Criminal Revision Petition is dismissed. It is open to the petitioner to participate in the confiscation proceedings.

27.03.2025

Index: Yes/No
Speaking Order/Non Speaking Order
Neutral Citation Case : Yes/No
ms



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To

1. The District Munsif-cum-Judicial Magistrate,
Kilvelur – District.
2. The Inspector of Police,
Keezhaiyur Police Station,
Nagapattinam District.
3. The Public Prosecutor
High Court, Madras.



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P.VELMURUGAN, J.

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