



Crl.R.C.No.1 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2025

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.1 of 2025

D.Velu

... Petitioner

..VS..

State by its
Inspector of Police,
Sunguvarchathram Police Station,
Kanchipuram District,
Crime No.21 of 2022.

... Respondent

Criminal Revision Case filed under Section 438 r/w 442 of BNSS, 2023 to set aside the order passed by the Judicial Magistrate, Sriperumbudur in Crl.M.P.No.5143 of 2024 dated 09.10.2024.

For Petitioner	:	Mr.K.G.Senthilkumar for Mr.G.Mohana Krishnan
For Respondent	:	Mr.S.Sugendran Additional Public Prosecutor

ORDER

This Criminal Revision Petition is filed against the order dated 09.10.2024 made in Crl.M.P.No.5143 of 2024 by the learned Judicial Magistrate, Sriperumbudur.



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2. It is the case of the petitioner that he is the owner of the vehicle viz., Hyundai Excavator – R140 LC-9, Serial No.Q401D01994 and the same was seized by the respondent-Police in Crime No.21 of 2022 for the offences under Sections 379 and 430 IPC, read with Section 21(1) of the Mines and Minerals (Development & Regulation) Act, 1957 [hereinafter referred to as 'MMDR Act']. Subsequently, the petitioner filed a petition in Crl.M.P.No.5143 of 2024 under Section 451 read with Section 457 Cr.P.C before the learned Judicial Magistrate, Sriperumbudur seeking interim custody of the said vehicle. The Court below, after appreciating the entire materials, dismissed the petition, by impugned dated 09.10.2024. Challenging the said order, the petitioner has filed the present revision.

3. Learned counsel for the petitioner submitted that the petitioner, who is the owner of the subject vehicle, was not involved in the alleged offences and only based on the false information, the respondent-Police seized the said vehicle. He further submitted that even after seizure of the said vehicle, the respondent-Police filed an application for confiscation

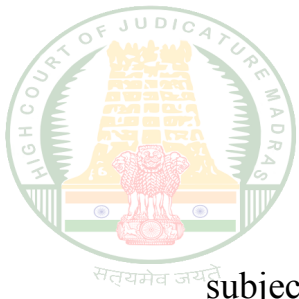


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in Crl.M.P.No.1493 of 2022 before the learned Principal District and Sessions Judge, Kancheepuram under Section 21(4A) of MMDR Act and the same was allowed on 25.07.2022. Even after the order of confiscation came to be passed in July 2022, the respondent-Police have not taken any effective steps to confiscate the subject vehicle. Hence, the petitioner has filed a petition in Crl.M.P.No.5143 of 2024 before the learned Judicial Magistrate, Sriperumbudur, seeking interim custody of the said vehicle. The learned Magistrate dismissed the petition on 09.10.2024, observing that the vehicle in question was already confiscated as per the order dated 25.07.2022 made in Crl.M.P.No.1493 of 2022 by the learned Principal District and Sessions Judge, Kancheepuram @ Chengalpattu. He further submitted that as per Section 21(4A) of the MMDR Act, the power of confiscation lies only before the competent Court to take cognizance of the offences. Hence, the Principal District Court, Kancheepuram cannot take cognizance of an offence under the MMDR Act.

4. Learned counsel for the petitioner further submitted that the



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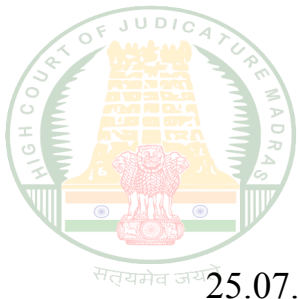
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subject vehicle was seized by the respondent-Police in the year 2022, itself, but till date the subject vehicle has not been confiscated. He further submitted that the vehicle in question is left idle in the open space, thereby, the condition of the vehicle is getting deteriorated and the value of the vehicle is lost, thereby, putting the petitioner to hardship and hence, he seeks for return of the vehicle.

5. Learned Additional Public Prosecutor appearing for the respondent-Police submitted that, based on the order dated 25.07.2022 made in Crl.M.P.No.1493 of 2022 by the learned Principal District and Sessions Judge, Kancheepuram @ Chengalpattu, the respondent-Police have initiated confiscation proceedings against the vehicle in question and the same is under process.

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

7. On a perusal of the records, it is seen that though the learned Principal District and Sessions Judge, Kanchipuram, *vide* order dated



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25.07.2022 in Crl.M.P.No.1493 of 2022, directed the respondent-Police to initiate confiscation proceedings against the subject vehicle, but the confiscation proceedings have not yet been initiated against the subject vehicle till date. If the confiscation proceedings have not been initiated soon after seizure of the vehicle, the value of the vehicle would get diminished. Hence, the confiscating authority concerned is directed to complete the confiscation proceedings within a period of one month from the date of receipt of a copy of this order.

8. With the above directions, this Criminal Revision Petition is dismissed.

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

1. The Judicial Magistrate,
Sriperumbudur.
2. The Inspector of Police,
Sunguvarchathram Police Station,
Kanchipuram District.
3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J.

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