



Crl.O.P.No.31522 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.31522 of 2024

P.R.Thirumal

... Petitioner

Vs.

The State of Tamil Nadu

Represented by: The Inspector of Police

Kondalampatti Police Station

Cr.No.43 of 2024

... Respondent

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S. to set aside the order dated 22.10.2024 in Criminal Revision Petition No.25 of 2024 on the file of the Principal Sessions Judge, Salem, confirming the order dated 21.03.2024 in Criminal M.P.No.589 of 2024 in Crime No.43 of 2024 on the file of the respondent police.

For Petitioner : Mr.K.Selvaraj

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

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This Criminal Original Petition has been filed by the petitioner to set aside the order dated 22.10.2024 in Criminal Revision Petition No.25 of 2024 on the file of the Principal Sessions Judge, Salem, confirming the order dated 21.03.2024 in Criminal M.P.No.589 of 2024 passed by the Judicial Magistrate No.5, Salem.

2. The case of the petitioner is that the petitioner's car was seized by the respondent police in connection with Crime No.43 of 2024 alleging that the petitioner had fixed "G" Sticker in the number plate and also a blue colour revolving light in the car as if, he is working in the Government Department and the car is registered in the name of Government. Hence, the petitioner filed a petition under Section 457 and 451 of Cr.P.C. in Criminal M.P.No.589 of 2024 before the Judicial Magistrate No.5, Salem for interim custody of the vehicle, but the same was dismissed by order dated 21.03.2024 on the sole ground that if the vehicle is returned to the petitioner, there is a chance of



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repeating the offence. Challenging the same, he filed a revision petition before the Principal Sessions Judge, Salem, in Criminal Revision Petition No.25 of 2024 and the same was also dismissed by order dated 22.10.2024. Hence, the present petition is filed.

3. The learned counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and a false case has been foisted against him. He further submitted that the vehicle is exposed to sun and rain from 31.01.2024 and if the custody of the vehicle is not returned to the petitioner, the vehicle would become a scrap. He also submitted that the petitioner undertakes to produce the vehicle as and when required by the trial Court. Hence, he prayed for interim custody of the vehicle.

4. On 17.12.2024, this Court had directed the respondent police to produce the photo copies of the subject vehicle. Accordingly, the respondent police produced the photographs of the subject vehicle.



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5. A perusal of the photographs reveals prima facie that the petitioner has committed the alleged offence. Now the investigation is pending. Pending investigation, no vehicle is liable to be returned/interim custody to the owner of the vehicle and if it is returned, it would affect the investigation. There is no ground made out by the petitioner for return of vehicle.

6. Hence, this Criminal Original Petition is dismissed.

7. The Investigating Officer is directed to expedite the investigation and file charge sheet within a period of two months from the date of receipt of a copy of this order. After the charge sheet is filed, the petitioner is at liberty to approach the Court below.

21.12.2024

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

1. The Inspector of Police
Kondalampatti Police Station
2. The Public Prosecutor,
High Court of Madras.



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P.VELMURUGAN. J.

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