



Crl.R.C.No.167 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 14.02.2025

Coram:

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

Crl.R.C.No.167 of 2025

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Rajendra Parihar

.. Petitioner

Vs.

State of Tamil Nadu,
Rep. by the Inspector of Police,
D-2 Anna Salai Police Station,
Tamil Nadu,
(Crime No.67 of 2024)

.. Respondent

Criminal Revision Case filed under Section 397 read with Section 401 of Cr.P.C., 1973, and under Sections 438 read with Section 442 of the BNSS, 2023, to call for the records pertaining to the impugned order in Crl.M.P.No.61977 of 2024 in Crime No.67 of 2024, dated 05.11.2024 on the file of the learned II Metropolitan Magistrate Court Egmore, Chennai and set aside the same.

For petitioner : Mr.Akash Daniel

For respondent: Mr.S.Sugendran
Additional Public Prosecutor



Crl.R.C.No.16, 05.11.2024

ORDER

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This Criminal Revision Case has been filed to set aside the order passed in Crl.M.P.No.61977 of 2024 in Crime No.67 of 2024, dated 05.11.2024, on the file of the learned II Metropolitan Magistrate Court, Egmore, Chennai.

2. The case of the prosecution is that during a routine check on 09.05.2024, three cars, including the petitioner's XUV 500 (TN10BQ9423), were stopped by the police. The cars were found to be carrying tobacco products, and Rs.5,45,000/- in cash was seized. A case was registered in Crime No.67 of 2024 under Section 328 of the IPC and Section 24(1) of the COTP Act, with the petitioner being named as the second accused.

3. Pending investigation in Crime No.67 of 2024, the petitioner filed the petition before the learned Magistrate for the return of the seized amount, but the same was dismissed. Hence, the petitioner is before this Court, challenging the dismissal of the petition.

4. The learned counsel for the petitioner would submit that the petitioner is the owner of the vehicle bearing registration No.TN10-BQ-9423. The petitioner had given the vehicle to a friend of a relative, who is the first accused, stating that the first accused needed the car for an urgent matter to travel to his hometown. At no point was the petitioner aware of any



illegal activity that may have been conducted using the vehicle. On the date of the incident, when the police stopped the vehicle, they contacted the petitioner and asked him to come to the police station. Upon his arrival at the station, the petitioner was informed of the unlawful actions carried out by the first accused. The petitioner categorically told the authorities that he had no knowledge of the criminal activities conducted by the first accused, and that the vehicle had been given to him for personal use. Despite this, the respondent, without proper cause, falsely implicated the petitioner as the second accused, merely because he is the owner of the car in question. The learned counsel would further submit that after the petitioner's arrest, he was taken by the respondent to his shop for further investigation. During this time, a sum of Rs. 5,45,000/- was in the petitioner's possession at the shop. Rs.5,00,000/- of this sum had been withdrawn by the petitioner from his personal bank account, and the remaining Rs. 45,000/- was the collection money from his shop. However, despite this explanation, the respondent seized the said amount. Hence, the petitioner approached the learned Magistrate, but the petition was dismissed, which warrants interference by this Court. Therefore, the learned counsel prays that the order passed by the learned Magistrate be set aside.

5. Per contra, the learned Additional Public Prosecutor appearing for the respondent would submit that on 09.05.2024, the petitioner's vehicle was intercepted, and at that time, 750 kgs of banned tobacco products and Rs. 5,45,000/- in cash, which were kept under the seat, were seized. The investigation is still ongoing, and the authorities are awaiting the FSL



report. Hence, the learned Additional Public Prosecutor prays for the dismissal of the criminal revision case.

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6. Heard the learned counsel on either side and perused the materials available on record.

7. It is seen from the record that a case was registered against the petitioner and two others in Crime No.74 of 2024, dated 09.05.2024, and the petitioner is shown as Accused 2. On 09.05.2024, at about 16:00 hours, the petitioner's vehicle was intercepted and seized, and cash of Rs. 5,45,000/- was found along with the tobacco products. The case was presented before the learned Magistrate, and the petitioner later filed a petition for the return of the seized amount. However, the learned Magistrate dismissed the petition on the grounds that the investigation was still pending.

8. As rightly pointed out by the learned Additional Public Prosecutor, on 09.05.2024, the petitioner's vehicle was intercepted, and at that time, 750 kgs of banned tobacco products and Rs. 5,45,000/- in cash, which were kept under the seat, were seized. The investigation is still ongoing, and the authorities are awaiting the FSL report. As the investigation is incomplete, and the charge sheet has not yet been filed, and further the authorities are still waiting for the FSL report, which is a crucial part of the investigation. Considering the nature of the case and the pending investigation, the Court is not inclined to interfere with the learned Magistrate's order at this stage. However, the petitioner is at liberty to approach the learned Magistrate after the filing of the charge sheet.



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9. With the above observations and directions, this criminal revision case is dismissed.

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To

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1. The II Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
D-2 Anna Salai Police Station,
Tamil Nadu,
3. The Public Prosecutor,
Madras High Court, Chennai.



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