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Crl.R.C.No.301 of 2025

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 04.03.2025**

**CORAM**

**THE HON'BLE MR. JUSTICE P.VELMURUGAN**

**Crl.R.C.No.301 of 2025**

P.Dhanapalan

... Petitioner

**Vs**

State represented by  
The Inspector of Police,  
Mathigiri Police Station,  
Hosur,  
Krishnagiri District.

... Respondent

**PRAYER:** Criminal Revision Petition filed under Section 438 read with 442 of BNSS, to call for the records pertaining to the order made in Crl.M.P.No.4299 of 2024 in Crime No.136 of 2024 dated 06.12.2024 passed by the learned Judicial Magistrate No.II, Hosur, and set aside the same and to direct the trial court to return the interim custody of the car namely TATA VISTA bearing registration No.TN-70-C-7605 to the petitioner.

For Petitioner : Mr.A.Balamurugan

For Respondent : Mr.S.Sugendran  
Additional Public Prosecutor

**ORDER**



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This Criminal Revision Petition has been filed to call for the records pertaining to the order dated 06.12.2024 passed in Crl.M.P.No.4299 of 2024 in Crime No.136 of 2024 by the learned Judicial Magistrate No.II, Hosur and to set aside the same and to direct the trial court to return the car namely TATA VISTA bearing registration No.TN-70-C-7605 to the petitioner.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent-Police and perused the materials available on record.

3. The petitioner has filed an application in Crl.M.P.No.4299 of 2024 on the file of the Judicial Magistrate Court No.II, Hosur, for return of vehicle alleged to have been involved in the case in Crime No.136 of 2024. The trial Court dismissed the same, vide impugned order dated 06.12.2024. Aggrieved by the same, the petitioner has filed this criminal revision petition.

4. Learned counsel for the petitioner submitted that the



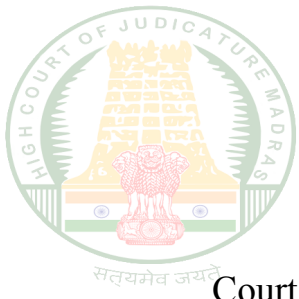
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respondent-Police registered a case in Crime No.136 of 2024 for the offences under Sections 4(1)(aa) and read with 4(1-A) of the Tamil Nadu Prohibition Act against the petitioner. He filed an application in Crl.M.P.No.4299 of 2024 on the file of the Judicial Magistrate Court No.II, Hosur, for return of vehicle. The trial Court dismissed the same, vide impugned order dated 06.12.2024. Aggrieved by the same, the petitioner has filed this criminal revision petition. He further submitted that though vehicle number has been mentioned in the F.I.R., the said vehicle was not seized by the respondent-Police on the date of occurrence. Before the learned magistrate, the stand taken by the prosecution is that, they wrongly mentioned the vehicle registration number in the F.I.R.

5. The learned Additional Government Pleader appearing for the respondent-police submitted that investigation is pending.

6. In view of the above submission, during investigation, this



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Court is not inclined to interfere with the impugned order passed by the learned Judicial Magistrate No.II. However, the petitioner is at liberty to work out his remedy before the trial court, after filing of charge sheet. The respondent-Police is directed to file the charge sheet within a period of one month.

7. With the abovesaid direction, this Criminal Revision petition is dismissed.

**14.02.2025**

*mfa*

*Index: Yes/No*

*Speaking Order: Yes/No*

*Neutral Citation: Yes/No*

To

1. The Judicial Magistrate No.II, Hosur.
2. The Inspector of Police,  
Mathigiri Police Station,  
Hosur, Krishnagiri District.
3. The Public Prosecutor,  
High Court, Madras.



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**P.VELMURUGAN, J**

*mfa*

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