



Crl.R.C.No.400 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2025

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No. 400 of 2025

M.Vairaprakash

... Petitioner

..VS..

The State Rep.by its
Inspector of Police,
H1, Washermenpet Police Station,
Chennai, Crime No.288 of 2024.

... Respondent

Criminal Revision Case filed under Sections 438 read with 442 BNSS, 2023, to set aside the order of dismissal made in Crl.M.P.No.12954 of 2024 dated 26.11.2024 on the file of the Principal Special Court Under EC & NDPS Act, Chennai by allowing this petition.

For Petitioner : Mr.S.Balasubramanian

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

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This Criminal Revision Petition is filed against order dated 26.11.2024 made in Crl.M.P.No.12954 of 2024 on the file of the Principal Special Court Under EC & NDPS Act, Chennai.

2. The petitioner is the owner of the vehicle, namely Audi Car Hainan Blue bearing Registration No.PY 01 CQ 8164, Chassis No.WAUZGH8U6HY001916, Engine No.DBB100103, Model No.Audi Q3 30TDIBSIV and according to the petitioner, the said vehicle was seized by the respondent-Police on 08.05.2024 in connection with the case in Crime No.288 of 2024 for allegedly transporting Ganja and other illicit substances in the said vehicle. Therefore, the petitioner, who is the owner of the property filed a petition under Section 497 BNSS, 2023 seeking to return of the vehicle. The learned Magistrate, after hearing the objections on the respondent's side and after appreciating entire materials, dismissed the said petition. The said order is challenged in the present Criminal Revision Petition.



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3. Learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle in question and he is no way connected with the alleged offence either directly or indirectly and that the said vehicle has been misused by A4 without the knowledge of the petitioner. He further submitted that at the time of alleged occurrence, the petitioner-A5 was not in India. He further submitted that the vehicle in question is kept in the custody of the respondent-Police from 08.05.2024. 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 also abide by stringent conditions, if any, to be imposed on him.

4. Learned Additional Public Prosecutor appearing for the respondent-Police submitted that the petitioner-A5 and other accused persons were arrested for having illegal possession of 73 grams of Methamphetamine, 1165.5 grams and 300 grams of OG Kush Ganja and 42 Nos. of Zolpidem and were remanded to judicial custody for the



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alleged offences punishable under Sections 8(c) read with 22(b) of NDPS Act altered to Sections 8(c) read with 22(c), 20(b)(ii)(A) and 27A of NDPS Act, 1985 and also seized the vehicle in question. The contraband involved in this case is under the commercial quantity and the same was recovered from the vehicle in question. He further submitted that the investigation is under progress and if the vehicle is returned to the petitioner, there is a chance that he will commit the same kind of offences by using the said vehicle and hence, he strongly objects for return the vehicle to the petitioner.

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

6. Considering the facts and circumstances and also considering the stage of the investigation and taking into account the quantity of contraband involved in this case, which comes under the commercial quantity under the NDPS Act, this Court does not find any reason to interfere with the order passed by the Court below and accordingly, this Criminal Revision Petition is dismissed.



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7. Though the vehicle in question was taken into custody by the respondent-Police on 08.05.2024, till date, neither they have filed the charge sheet nor initiated confiscation proceedings. Therefore, the respondent-Police is directed to complete the investigation and to file a charge-sheet as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order. If the respondent-Police fails to file the charge sheet or initiate confiscation proceedings within the stipulated time, it is open to the petitioner to approach the Magistrate concerned seeking for return of the property and on receipt of such application, the Magistrate concerned can consider the same on merits and in accordance with law.

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

1. The Principal Special Court Under EC & NDPS Act,
Chennai.
2. The Inspector of Police,
H1, Washermenpet Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J.

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