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Crl.R.C.No.339 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2025

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.339 of 2025

Vethavinayagam

... Petitioner

..VS..

State rep.by
Inspector of Police,
NIBCID, Chennai,
Crime No.54 of 2024.

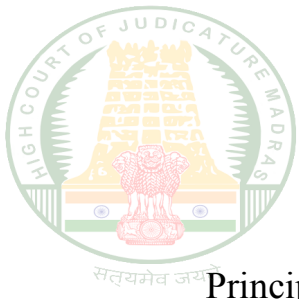
... Respondent

Criminal Revision Case filed under Sections 438 and 442 of BNSS, 2023, to set aside the order made in Crl.M.P.No.14429 of 2024 in Crime No.54 of 2024 dated 04.01.2024 on the file of the Principal Special Court under EC & NDPS Act, Chennai.

For Petitioner : Mr.R.Rajesh
For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

This Criminal Revision Petition is filed against the order dated 04.01.2024 made in Crl.M.P.No.14429 of 2024 on the file of the



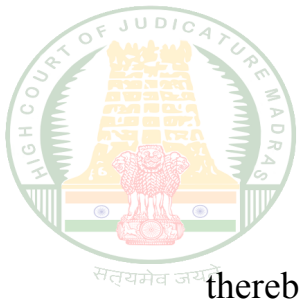
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Principal Special Court under EC & NDPS Act, Chennai.

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2. The case of the petitioner is that the petitioner's vehicle viz., Ashok Leyland Goods Carrier Truck bearing Registration TN 84 Z 6923 was seized by the respondent-Police in connection with Crime No.54 of 2024 for allegedly transporting 42 kgs of ganja. Therefore, the petitioner filed a petition in C.M.P.No.14429 of 2024 before the Special Court Under EC & NDPS Act, Chennai for interim custody of the vehicle and the same was dismissed on 04.01.2025. Hence, the present Revision Petition is filed.

3. Learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle and he is the third party and he is no way connected with the alleged offence. The driver of the said vehicle had illegally transported the contraband, without the knowledge of the petitioner. At the time of arrest of A1 and A2, the respondent-Police had seized the petitioner's vehicle. Now the said vehicle is under the custody of the Court. He further submitted if the vehicle is kept ideal in the open space and exposed to natural calamities, it would get damaged and



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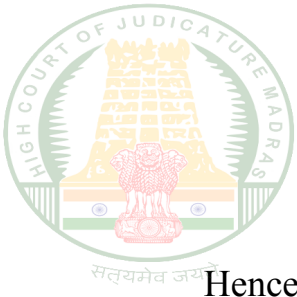
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thereby, the petitioner would suffer irreparable loss. Hence, he seeks interim custody of the vehicle and that he would abide by stringent conditions, if any, to be imposed on him.

4. The learned Additional Public Prosecutor appearing for the respondent-Police submitted that this is a case of illegal transportation of 42 kgs. of Ganja by using the said vehicle and that the respondent-Police seized both the vehicle and the contraband. The contraband involved in this case is under the commercial quantity. He further submitted that the investigation is in preliminary stage and hence, he strongly objects to return the property to the petitioner.

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

6. It is seen that seized contraband is under commercial quantity and investigation is in preliminary stage. Pending investigation, if the vehicle is released, there is a possibility of changing the Engine and Chassis Numbers, which would defeat the entire case of the prosecution.



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Hence, this Court is not inclined to exercise its discretionary power to entertain the present revision. However, it is always open to the petitioner to avail his remedy before the appropriate forum, after filing of charge sheet by the respondent-Police, if he deserves. The respondent-Police is directed to expedite the investigation and file a charge sheet within a reasonable period of time.

7. With the above observations, this Criminal Revision Petition is dismissed.

05.03.2025

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



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To

1. The Principal Special Judge,
Principal Special Court under EC & NDPS Act,
Chennai.
2. The Inspector of Police,
NIBCID, Chennai.
3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J.

ms

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