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Crl.R.C.No.347 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. 347 of 2025

R.Rameshkumar Chourasia

... Petitioner

..VS..

State of Tamil Nadu
Rep.by The Inspector of Police,
K.G.Chavadi Police Station,
Coimbatore District,
Crime No.238 of 2024.

... Respondent

Criminal Revision Case filed under Sections 438 read with 442 BNSS, 2023, to set aside the order passed by the Additional District Judge/Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore in C.M.P.No.3987 of 2024 dated 20.01.2025.

For Petitioner : Mr.R.Navanitha Krishnan

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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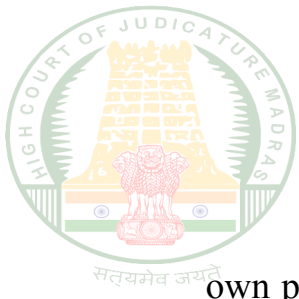
ORDER

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This Criminal Revision Petition is filed against order dated 20.01.2025 made in Crl.M.P.No.3987 of 2024 on the file of the Additional District Judge/Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore.

2. The petitioner is the owner of the vehicle, namely Maruthi Alto Car (White Colour) bearing Registration No.KL-09 AU-5774 and according to the petitioner, the said vehicle was seized by the respondent-Police on 26.10.2024 in Crime No.238 of 2024 for allegedly transporting 22 kgs of Ganja chocolates in the said vehicle. Therefore, the petitioner filed a petition under Sections 457 read with 451 Cr.P.C. seeking interim custody of the vehicle. The learned Magistrate, after hearing the objections on the respondent's side, dismissed the said petition. The said order is challenged in the present Criminal Revision Petition.

3. Learned counsel for the petitioner submitted that the petitioner is the owner of the subject vehicle and he is no way connected with the alleged offence. The petitioner is in need of the above said vehicle for his



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own purpose. He further submitted that 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 it is a case of illegal transportation of 22 kilograms of Ganja chocolates by using the said vehicle and that the respondent-Police seized both the vehicle and the contraband. He further submitted that the investigation is not yet completed and if the vehicle is returned to the petitioner, there is a chance that he will commit the same kind of offence by using the said vehicle and hence, he strongly objects for return the vehicle to the petitioner.

5. This Court considered the rival submissions of 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 22



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kilograms of contraband involved in this case, which comes under the commercial quantity under the NDPS Act, this Court is not inclined to grant the relief as sought for in this petition and accordingly, this Criminal Revision Petition is dismissed.

7. 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. However, after the investigation and filing charge sheet, if the petitioner is aggrieved by the charge sheet, it is left open to the petitioner to agitate the same in the manner known to law.

05.03.2025

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

1. The Additional District Judge/Presiding Officer,
Special Court for Essential Commodities Act Cases,
Coimbatore.
2. The Inspector of Police,
K.G.Chavadi Police Station,
Coimbatore District.
3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J.

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