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Crl.RC.No.382 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.RC.No.382 of 2025

Ganesan

... Petitioner

Vs.

The State Rep. by its
The Sub Inspector of Police
Karumathampatty Police Station
Coimbatore District
(Crime No.539 of 2024)

... Respondent

Prayer: Criminal Revision Case filed under Section 438 and 442 of B.N.S.S. to set aside the order dated 08.01.2025 passed in C.M.P.No.9 of 2025 on the file of Judicial Magistrate at Sulur and direct the respondent to return the petitioner two wheeler Honda Activa bearing Registration No.TN 37 CM 6694.

For Petitioner : Mr.K.Myilsamy

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



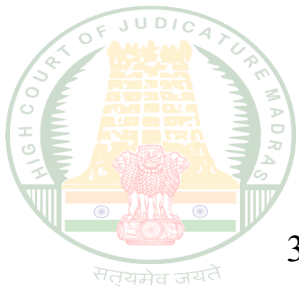
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ORDER

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This Criminal Revision Case has been filed by the petitioner to set aside the order dated 08.01.2025 passed in C.M.P.No.9 of 2025 on the file of Judicial Magistrate at Sulur and direct the respondent to return the petitioner's two wheeler (Honda Activa) bearing Registration No.TN 37 CM 6694.

2. The case of the petitioner is that the petitioner is the owner of the two wheeler (Honda Activa) bearing Registration No.TN 37 CM 6694. The said vehicle was seized by the respondent police in connection with Crime No.539 of 2024 for the offence under Section 24(1) of COTPA Act and 123 of B.N.S., alleging that the accused who is the son of the petitioner was found illegally transporting contraband in the said two wheeler. Hence, the petitioner filed a petition under Section 497 read with 503 B.N.S.S. in C.M.P.No.9 of 2025 before the Judicial Magistrate, Sulur seeking interim custody of the said two wheeler. The same was dismissed by order 08.01.2025. Challenging the same, the present revision is filed.



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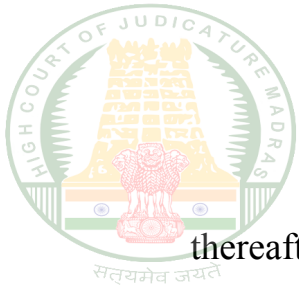
3. The contention of the petitioner is that the petitioner is the owner of the vehicle and he is no way connected with the alleged offence. The vehicle is kept idle in the open place exposing to sunlight and rain and if the vehicle continues to be kept in the open place, it would become useless.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the investigation has not been completed.

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

6. It is seen that the FIR has been registered three months back on 23.11.2024. However, so far the investigation has not been completed and no confiscation proceedings has been initiated. If the vehicle is kept idle in the open place without any protection, it would diminish the value of the vehicle.

7. Therefore, the respondent police is directed to complete the investigation and lay the charge sheet within a period of one month from the date of receipt of a copy of this order and the competent authority is at liberty to initiate confiscation proceedings, if necessary, within a period of one month



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thereafter.

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8. In case neither the charge sheet is filed nor the confiscation proceedings is initiated within the stipulated period, the Magistrate shall hand over the interim custody of the said vehicle to the petitioner after obtaining the original RC Book and appropriate undertaking from the petitioner that the petitioner will not alienate the vehicle or change the structure, Engine number, Chasis Number etc. and will produce the vehicle as and when required.

9. With the above directions, this Criminal Revision Case is disposed of.

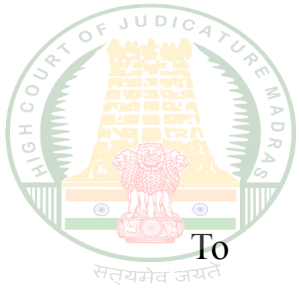
06.03.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

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1. The Judicial Magistrate
Sulur
2. The Sub Inspector of Police
Karumathampatty Police Station
Coimbatore District
3. The Public Prosecutor
High Court of Madras



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P.VELMURUGAN. J.

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