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CrI.R.C.No.391 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2025

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

CrI.R.C.No.391 of 2025

Balakrishnan

... Petitioner

Vs

The State represented by
The Sub Inspector of Police,
Karumathampatty Police Station,
Coimbatore District.

... Respondent

PRAYER:

Criminal Revision Petition filed under Section 438 read with 442 BNSS 2023, to set aside the order dated 08.01.2025 passed in C.M.P.No.10 of 2025 on the file of the Judicial Magistrate at Sulur and direct the respondent to return the petitioner's two wheeler TVS XL-100 bearing registration No.TN 37 EX-1643.

For Petitioner : Mr.K.Mayilsamy

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



CrI.R.C.No.391 of 2025

WEB COPY

ORDER

This Criminal Revision Petition has been filed to set aside the order dated 08.01.2025 passed in C.M.P.No.10 of 2025 on the file of the Judicial Magistrate at Sulur and direct the respondent to return the petitioner's two wheeler TVS XL-100 bearing registration No.TN 37 EX-1643.

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. Learned counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. The allegation levelled against the petitioner is false. The petitioner has filed a petition under Section 497 read with 503 BNSS, in CrI.M.P.No.10 of 2025 seeking interim custody of the petitioner's vehicle before the learned Magistrate, Sulur. The learned Magistrate vide impugned order dated 08.01.2025, dismissed the petitioner's petition. Aggrieved by the same, the petitioner has filed this criminal revision petition.



CrI.R.C.No.391 of 2025

WEB COPY

4. Learned Additional Public Prosecutor appearing for the respondent-Police Submitted that the petitioner was in illegal possession of contraband and he has transported contraband in the subject matter of the vehicle. The respondent Police registered a case against the petitioner in Crime No.533 of 2024 for the offences under Sections 7(1) and 20(2) of Cigarette and other Tobacco Products Act 2003 and Section 123 of BNS, 2023. He further submitted that investigation is pending and charge sheet is not yet filed.

5. Pending investigation, it is not advisable to return the property to the petitioner. There is a possibility of changing the vehicle or disposing the vehicle and the same will vitiate the case of the prosecution. The respondent-Police is directed to complete the investigation and laid a charge sheet within a period of two months. The petitioner is at liberty to approach the trial court after filing the charge sheet by the respondent Police.



CrI.R.C.No.391 of 2025

WEB COPY

6. With the abovesaid direction, this Criminal Revision Petition

is disposed of .

06.03.2025

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

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



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Crl.R.C.No.391 of 2025

P.VELMURUGAN, J

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Crl.R.C.No.391 of 2025

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