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Crl.R.C.No.402 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. 402 of 2025

Verasi Ram

... Petitioner

..vs..

The State Rep.by
The Inspector of Police,
T-20, Kanathur Police Station,
Crime No.207 of 2024.

... Respondent

Criminal Revision Case filed under Sections 438 read with 442 BNSS, 2023, to set aside the order passed by the learned District Munsif-cum-Judicial Magistrate, Sholinganallur at Chennai-600 123, in Crl.M.P.No.170 of 2025 dated 18.02.2025 and to pass an order directing the respondent to return Hyundai Creta Car, White Colour, Registration Number TN13 J 5046, Engine No.D4FCHM342526 and Chassis No.MALC281RLHM256739 seized in Crime No.207 of 2024 to the petitioner.

For Petitioner : Mr.S.Mohan Raj

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER



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WEB COPY This Criminal Revision Petition is filed against order dated 18.02.2025 made in Crl.M.P.No.170 of 2025 on the file of the District Munsif-cum-Judicial Magistrate, Sholinganallur at Chennai.

2. The petitioner is the owner of the vehicle, namely Hyundai Creta Car, White Colour, Registration Number TN13 J 5046, Engine No.D4FCHM342526 and Chassis No.MALC281RLHM256739 and according to the petitioner, the said vehicle was seized by the respondent-Police in connection with a case in Crime No.207 of 2024 for the alleged offences punishable under Sections 123 of Bharatiya Nyaya Sanhita, 2023 read with 7 and 20(2) of Cigarette and Other Tobacco Products Acts, 2003 for allegedly transporting Tobacco products in the said vehicle. Therefore, the petitioner, who is the owner of the subject vehicle filed a petition under Section 497 and 503 BNSS, 2023 in Crl.M.P.No.170 of 2025 seeking return of the vehicle. The learned Magistrate, after appreciating entire materials, 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

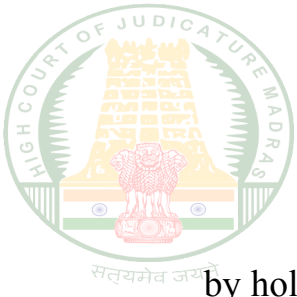


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is the owner of the vehicle in question and he is no way connected with the alleged offence either directly or indirectly and that the said vehicle has been misused by the petitioner's cousin brother one Gajendra Kumar. The petitioner has purchased the said vehicle from the said Gajendra Kumar, only few days before the offence committed by the said Gajendra Kumar, but name transfer was not done. He further submitted that the vehicle in question is kept in the custody of the respondent-Police. If the vehicle in question is left idle in the open space, the value of the same will diminish over the period of time. Therefore, he prayed for return 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 subject vehicle is used for allegedly transporting Tobacco products. 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. He further submitted that the petitioner is not the owner of the subject vehicle and the trial Court dismissed the petition



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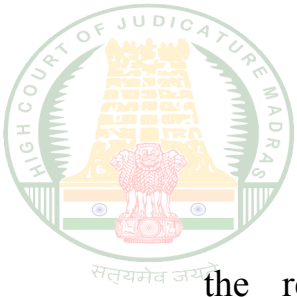
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by holding that the property is not ceased from the owner and that there is no *locus standi* to the petitioner to get the property.

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, 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.

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. If



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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.

10.03.2025

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

1. The District Munsif-cum-Judicial Magistrate,
Sholinganallur, Chennai-600 123.
2. The Inspector of Police,
T-20, Kanathur Police Station.
3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J.

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