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CRL OP No. 9949 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-04-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 9949 of 2026

M/s.Shriram Finance Limited,
Rep., by its Power Agent, Venkat Vignesh

..Petitioner

Vs

The State rep., by,
Sub-Inspector of Police,
District Crime Branch,
Dharmapuri.
Crime No.10/2022.

..Respondent

Prayer: Criminal Original Petition filed under section 528 of BNSS to set aside the order dated 06.11.2024 passed in Crl.R.C.No.20/2024 on the file of the learned Principal Sessions Judge at Dharmapuri in Crl.M.P.No.1379/2024 on the file of the learned Judicial Magistrate-II, Dharmapuri.

For Petitioner: Mr. L. Ram Kumar

For Respondent: Mr.Leonard Arul Joseph Selvam
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to set aside the order dated 06.11.2024 passed in Crl.R.C.No.20 of 2024 on the file of the learned Principal Sessions Judge, Dharmapuri, confirming the order passed in



Crl.M.P.No.1379/2024 on the file of the learned Judicial Magistrate-II,
Dharmapuri.

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2. The petitioner is a finance company which had financed a vehicle bearing Registration No.TN-29-BK-8485 (Hyundai Verna). The said vehicle was seized from the accused in Crime No. 10 of 2022 for the offences under Sections 166, 420 and 506(i) IPC.

3. The learned counsel for the petitioner submitted that the petitioner being the financier and the vehicle having been hypothecated, had filed a petition for return of property in Crl.M.P.No.5013 of 2023. The prosecution had no objection and the vehicle was handed over to the petitioner on interim custody subject to certain conditions. Thereafter, the petitioner filed a modification petition in Crl.M.P.No.1379 of 2024 seeking permission to sell the vehicle, as it had been kept idle in an open yard without any use. The trial Court, by order dated 18.03.2024, dismissed the said petition. Aggrieved by the same, the petitioner preferred a revision in Crl.R.C.No.20 of 2024 before the Principal Sessions Judge, Dharmapuri, which was also dismissed by order dated 06.11.2024. Challenging the same, the present petition has been filed.

3.1. In support of his contention, the petitioner relied upon the judgment of this Court in ***Sundaram Finance Ltd v. The State of Tamil Nadu and Another*** reported in ***[2011 (1) MLJ 191]*** and referred to paragraphs 38 and 39,



wherein it was held that under the Hypothecation Act, the financier become the deemed owner and has the right to secure and sell the property. In view of the above, the petitioner has filed this petition, stating that the vehicle has been kept in the open and is deteriorating.

4. The learned Additional Public Prosecutor for the respondent submitted that he has no serious objection. He further relied upon the decision in ***Sunderbhai Ambalal Desai v. State of Gujarat*** reported in **2003 (1) CTC 175**, wherein the Hon'ble Apex Court has clearly held that a vehicle may be returned, subject to the condition that it is properly photographed and documented so that it does not obstruct the trial of the case.

5. Considering the submissions made and upon perusal of the materials on record, this Court set aside the order passed by the Principal Sessions Judge at Dharmapuri, as well as the order of the trial Court denying permission to the petitioner to sell the vehicle.

6. The petitioner is permitted to sell the vehicle, subject to the following conditions:

the petitioner shall produce the vehicle before the Judicial Magistrate-II, Dharmapuri; photographs of the vehicle shall be taken in the presence of the respondent police and the Head Clerk; the photographs shall be duly certified



and attested by the petitioner; and a certificate under Section 65B of the Indian Evidence Act, along with the electronic record (CD), shall be prepared and kept as part of the case records. The same may be produced during trial in C.C.No.113 of 2023 before the Judicial Magistrate No.II, Dharmapuri.

7. Accordingly, this Criminal Original Petition is allowed.

21-04-2026

Neutral Citation: Yes/No
AT

To

- 1.The Principal Session Judge,
Dharmapuri
- 2.The Judicial Magistrate-II,
Dharmapuri.
- 3.The Sub Inspector of Police,
District Crime Branch, Dharmapuri.
- 4.The Public Prosecutor
High Court of Madras



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M.NIRMAL KUMAR J.

AT

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