



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No. 23411 of 2021

M.Udhayakumar

... Petitioner

Vs.

1. State Rep by,
The Commissioner of Police,
Office of the Commissioner,
Veppery, Chennai - 600 007.

2. The Inspector of Police,
K-10, Koyambedu Police Station,
Chennai District.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the second respondent herein to hand over the petitioner's vehicle viz., Yamaha R15 bearing registration Number TN-10-BK-2030 in line with the petitioner's representation dated 27.11.2021.

For Petitioner : Mr.Jagan for
Mr.W.Camyles Gandhi
For Respondents : Mr.L.Baskaran
Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed to direct the second respondent to hand over the petitioner's vehicle, based on the petitioner's representation dated 27.11.2021.

2. The learned counsel for the petitioner would submit that for no reason the vehicle bearing Registration Number TN-10-BK-2030, two wheeler, Yamaha R15 was unnecessarily seized by the second respondent and it is in the possession of the second respondent. The said vehicle was originally owned by one S.N.Karthik, son of Sekar and the same was purchased by the petitioner for valid sale consideration, during the covid pandemic circumstances. Therefore, the petitioner could not be able to proceed with the ownership of the vehicle in his name. Therefore, the second respondent refused to return the vehicle in favour of the petitioner, for want of documents to show the ownership of the vehicle.



3. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that though the petitioner has stated that the purchase of the said vehicle is his own, but he failed to produce any evidence for registration to show that he has purchased the vehicle. If any owner comes, the second respondent is ready to restore the vehicle immediately. He would further submit that the said vehicle has been seized in person in Crime No.1036 of 2021, registered for the offence under Section 307 IPC on the file of the second respondent. However, later it was found that the said vehicle was involved in the crime.

4. The learned counsel for the petitioner would submit that he has produced the agreement of sale deed executed by his parents in respect of the said vehicle, since the original owner of the vehicle is residing in USA.

5. Considering the above facts and circumstances of the case, the second respondent is directed to return the vehicle to the petitioner on filing of the affidavit by the parents of the owner of the vehicle namely S.N.Karthik and other documents, if any.

6. With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

drl
To

1. The Commissioner of Police,
Office of the Commissioner,
Veppery, Chennai - 600 007.
2. The Inspector of Police,
K-10, Koyambedu Police Station,
Chennai District.
3. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.W.Camyles Gandhi, Advocate, S.R.No.33177

Crl.O.P.No. 23411 of 2021

MG(CO)
CT/07/07/2022