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Crl.R.C.No.579 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

Crl.R.C.No.579 of 2024

D.Rajeshkumar

Rep. by his father Dr.Dharmalingam (Next Friend),

No.26/3, Srinivasa Gardens,

Indira Garden Road,

Uppilpalayam Post,

Coimbatore – 641 015.

... Petitioner

Vs.

The State Rep. by the Inspector of Police,

N-1, Police Station, Royapuram,

Chennai – 600 013.

...

Respondent

Prayer : Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C, praying to set aside the order of dismissal passed by the learned Metropolitan Magistrate No.XVI, George Town, Chennai in Crl.M.P.No.3041 of 2023, dated 24.04.2023 refusing to handover the property to the petitioner and direct the respondent Police to deposit the said vehicle before the trial Court and return the same to the petitioner on any condition concerned in the above case.

For Petitioner : Mr.G.J.Baskar Narayan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)



Crl.R.C.No.579 of 2024

ORDER

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The petitioner in Crl.M.P.No.3041 of 2023 filed a petition seeking interim custody of Maruthi Swift car. The trial court by order dated 24.04.2023 dismissed the same, against which the present revision.

2. The case of the prosecution is that, the petitioner/accused is the owner of the Maruthi Swift car bearing Regn.No.GJ 06 PF 1787. It is alleged that petitioner is suffering from Schizo Affective Disorder and at this juncture, on 03.08.2021, the petitioner went out of his control and attacked Sathyam Television Channel. In this regard an F.I.R. was registered in Crime No.1100 of 2021 under Sections 457, 294b, 427, 341 & 506(ii) of IPC. Subsequently, the petitioner's father came to know that the above mentioned car driven by the petitioner was under the custody of the respondent due to the aforesaid dispute. The said action of the petitioner, prompted the respondent to seize the car of the petitioner. Whiles, the petitioner's father filed a petition u/s.451 r/w 457 of Cr.P.C. seeking interim custody of the petitioner's car in Crl.M.P.No.3041 of 2023 on the file of the learned Metropolitan Magistrate No.XVI, George Town, Chennai, however, the said petition was rejected by the Trial court vide



Crl.R.C.No.579 of 2024

WEB COPY

order dated 24.04.2023. Challenging the said rejection order, the present revision has been filed by the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner is suffering from Schizo Affective Disorder, due to which he attacked the said Television Channel and though the Police has received a letter about the ailment suffered by the petitioner from the Medical Board, Coimbatore Medical College and Hospital, they have seized the vehicle driven by the petitioner which is per se unsustainable. He further submitted that mere seizure of the vehicle from the accused person could not be said that the vehicle is involved in the offence. Further, he submitted that, inspite of the seizure of the vehicle, keeping the vehicle in disuse and in the open atmosphere would result in deterioration of the vehicle and diminishing its value, the petitioner was constrained to file the petition under Section 451 r/w 457 of Cr.P.C seeking interim custody of the aforesaid car. However, on instructions, he submitted that the petitioner, without prejudice to his rights, is ready to deposit of a sum of Rs.1,00,000/- towards the aforesaid car to the credit of the case.



Crl.R.C.No.579 of 2024

WEB COPY

4. On the above contention, this Court heard the learned Government Advocate (Crl.Side) appearing for the respondent police.

5. Even though the Trial Court had negated the right of the petitioner, however, considering the fact that keeping the vehicle in the open atmosphere would deteriorate and diminish its value and also in view of the fact that the petitioner has voluntarily accepted to deposit a sum of Rs.1,00,000/- towards his car bearing Regn.No.GJ 06 PF 1787 in lieu of release of the vehicle, this Court is inclined to direct release of the vehicle on condition that the petitioner deposits a sum of Rs.1,00,000/- to the credit of CMP.No.3041 of 2023 on the file of the learned Metropolitan Magistrate No.XVI, George Town Chennai, subject to the following conditions :-

(i) The order of the learned Metropolitan Magistrate No.XVI, George Town Chennai in CMP.No.3041 of 2023 dated 24.04.2023 is set aside;

(ii) The petitioner will be entitled for return of the Four Wheeler Maruthi Swift bearing Regn.No.GJ 06 PF 1787, Chasis No.MBHCZCB3SMD782777, Engine No.K12NP1044379;



Crl.R.C.No.579 of 2024

WEB COPY

(iii) The petitioner shall produce the original RC Book of the vehicle and other relevant records to prove his ownership and the learned Judge, on perusal of the RC book and other records, retaining the Xerox copy of the same, shall return the original documents to the petitioner with a view to use the vehicle;

(iv) The petitioner shall not alter or alienate the vehicle in any manner till adjudication is over;

(v) The petitioner shall also give an undertaking that he will not use the vehicle for any illegal activities in future and also to produce the vehicles as and when required by the respondent and by the court below and as well as by the District Collector of the District or authorized officer in that behalf by the Government;

(vi) The petitioner shall participate in the confiscation proceedings and shall produce the vehicle before the confiscation authority. This order is subjected to the confiscation proceedings;

(vii) The petitioner shall not indulge in the similar offence either by using the present vehicle or any other vehicle. If the petitioner is found to be involved in any of similar offence in future either by way using the present vehicles or through any other vehicle, this order of returning the present vehicle (Four Wheeler Maruthi Swift bearing Regn.No.GJ 06 PF 1787, Chasis



Crl.R.C.No.579 of 2024

WEB COPY

No.MBHCZCB3SMD782777, Engine No.K12NP1044379),
shall stand automatically vacated, and this vehicle will be
again seized by the respondent/police and produced before
the Court concerned.

6. Accordingly, the Criminal Revision Case is allowed in the above
terms.

30.07.2024

Index : Yes / No
Speaking order / Non-speaking order
NCC : Yes / No
rap

To



Crl.R.C.No.579 of 2024

WEB COPY

1. The Metropolitan Magistrate No.XVI, George Town, Chennai
2. The Inspector of Police,
N-1, Police Station, Royapuram,
Chennai – 600 013.
3. The Public Prosecutor,
High Court of Madras.



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Crl.R.C.No.579 of 2024

M.DHANDAPANI, J.

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Crl.R.C.No.579 of 2024

30.07.2024