



Crl.R.C.No.661 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

Crl.R.C.No.661 of 2024

Babu

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Sathuvachari Police Station,
Vellore District.
(Crime No.6 of 2024)

... Respondent

Prayer : Criminal Revision Case filed under Section 397 and 401 Cr.P.C, praying to call for the records in connection with the order passed by Judicial Magistrate-V, Vellore in Crl.M.P.No.2620 of 2024 dated 15.03.2024 and set aside the same and consequently to direct the respondent to return of the vehicle car bearing No.TN-23-CB-1272 TATA MOTORS LIMITED, TAT ZEST XT QJET 90 PS ABS BS4, to the petitioner.

For Petitioner : Mr.T.Saravanan

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



Crl.R.C.No.661 of 2024

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ORDER

This Criminal Revision Case is filed aggrieved by the order of the learned Judicial Magistrate-V, Vellore in Crl.M.P.No.2620 of 2024, dated 15.03.2024, in and by which, the prayer of the petitioner for interim custody of the case property, namely **TATA MOTORS LTD., TAT ZEST XT QJET 90 PS ABS BS4** is rejected by the learned Magistrate.

2. The case of the prosecution is that, the petitioner is the owner of the vehicle bearing Regn.No.TN-23-CB-1272. The accused person borrowed the said vehicle from the petitioner and driven the same in a rash and negligent manner and dashed against the *de-facto* complainant due to previous enmity, due to which, the *de-facto* complainant sustained simple injuries, thereby, a criminal case was registered as against the accused in Crime No.6 of 2024 under Sections 279, 337 @ 307 of IPC and the vehicle was seized by the respondent police. Thereafter, the petitioner moved a petition seeking interim custody of the case property before the learned Judicial Magistrate No.V, Vellore in C.M.P.No.2620



Crl.R.C.No.661 of 2024

WEB COPY

of 2024, however, the said petition was rejected by the trial court vide order dated 15.03.2024. 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 the owner of the vehicle and no allegation has been made either by the *de-facto* complainant or in the alteration report filed by the law enforcing agency against the petitioner. Hence, he submitted that, he is not an accused in the criminal case and without any allegation as against the petitioner, the trial court refused to grant interim custody of the vehicle in favour of the petitioner, which is wholly unsustainable. Accordingly, he prays for allowing the revision.

4. The learned Government Advocate (Crl.Side) appearing for the respondent fairly submitted that, the petitioner is not arrayed as an accused in the criminal case registered by the law enforcing agency at the instances of the *de-facto* complainant and in the alteration report no allegation has been made as against the petitioner.



Crl.R.C.No.661 of 2024

WEB COPY

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent police and perused the materials available on record.

6. From the above fair submissions made by the learned Government Advocate (Crl.Side) appearing for the respondent, it is seen that there is no allegation as against the petitioner in the complaint as well as in the alteration report filed by the law enforcing agency. Therefore, this Court is of the view that the petitioner is entitled to return of the vehicle on the following terms :-

(i) The order of the learned Judicial Magistrate No.V, Vellore in Cr.M.P.No.2620 of 2024, dated 15.03.2024 is set aside;

(ii) The petitioner will be entitled for return of the Four Wheeler TATA ZEST XT QJET 90PS ABS BS4 bearing Regn.No.TN-23-CB-1272, Chasis No.4, Engine No.MAT624051FLF18256;

(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



CrI.R.C.No.661 of 2024

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; and

(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 vehicle as and when required by the respondent and by the court below.

7. The Criminal Revision Case is allowed accordingly.

22.04.2024

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

To

1.The Judicial Magistrate No.V,
Vellore.

2.The Inspector of Police,
Sathuvachari Police Station,
Vellore District.

3.The Public Prosecutor,
High Court of Madras.



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Crl.R.C.No.661 of 2024

M.DHANDAPANI, J.

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Crl.R.C.No.661 of 2024

22.04.2024