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Crl.R.C.No.1028 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2024

CORAM :

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

Crl.R.C.No.1028 of 2024

Senthilkumar

... Petitioner

Vs.

State Rep.by
Inspector of Police,
Panamarathupatty Police Station,
Salem City.
(Crime No.62 of 2024)

... Respondent

Prayer : Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C, praying to set aside the order dated 22.05.2024 in Crl.M.P.No.1452 of 2024 (Online CMP No.999 of 2024) on the file of the Judicial Magistrate – 1, Salem and consequently direct the respondent to hand over the interim custody of a sum of Hyundai Santro XL car bearing Reg.No.TN 05 V 8970 to the petitioner.

For Petitioner : Mr.L.Ramanathan

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

ORDER

The petitioner in Crl.M.P.No.1452 of 2024 filed a petition seeking interim custody of Hyundai Santro XL car. The trial court by order dated



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22.05.2024 dismissed the same, against which the present revision.

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2. The case of the prosecution is that, the petitioner purchased a car bearing Regn.No.TN 05 V 8970 through one Prabu. When the petitioner has given his car to said Prabu for general service, the said car was not returned to the petitioner. Thereafter, the petitioner came to know that his car was under the custody of the respondent due to the dispute which arose between one Sundarganesh and said Prabu. Upon enquiry, the petitioner came to know that an FIR in Crime No.62 of 2024 has been registered against some unknown persons including the said Prabu, which prompted the respondent to seize the car of the petitioner. Whiles, the petitioner 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.1452 of 2024 on the file of the learned Judicial Magistrate No.1, Salem, however, the said petition was rejected by the Trial court vide order dated 22.05.2024. Challenging the said rejection order, the present revision has been filed by the petitioner.

3. The learned counsel appearing for the petitioner submitted that mere seizure of the vehicle from the accused person could not be said that



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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 pay a non-refundable deposit of a sum of Rs.50,000/- towards the aforesaid car to the credit of the case.

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.50,000/- towards his car bearing Regn.No.TN 05 V 8970 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.50,000/- to the



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credit of CMP.No.1452 of 2024 on the file of the learned Judicial

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Magistrate I, Salem, subject to the following conditions :-

(i) The order of the learned Judicial Magistrate – 1, Salem in C.M.P.No.1452 of 2024 dated 22.05.2024 is set aside;

(ii) The petitioner will be entitled for return of the Four Wheeler Hyundai Santro XL bearing Regn.No.TN 05 V 8970, Chasis No.MALAA51HR7M169688, Engine No.G4HG7M212077;

(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;



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(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 Hyundai Santro XL bearing Regn.No.TN 05 V 8970, Chasis No.MALAA51HR7M169688, Engine No.G4HG7M212077), 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.

20.06.2024

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

M.DHANDAPANI, J.



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To

1. Judicial Magistrate – 1, Salem
- 2.The Inspector of Police,
Panamarathupatty Police Station,
Salem City.
(Crime No.62 of 2024)
- 3.The Public Prosecutor,
High Court of Madras.

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