



Crl.R.C. No. 1663 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2024

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THE HON'BLE MR. JUSTICE M.NIRMALKUMAR

Crl.R.C. No. 1663 of 2024

Rajasekar

..Petitioner

Vs.

State rep.by
The Sub Inspector of Police,
Virudhachalam Police Station,
Cuddalore District.

..Respondent

Prayer: Criminal Revision under Section 397 r/w 401 IPC to set aside
the order dated 25.03.2024 passed in Crl.M.P. No. 5588 of 2024 in Crime
No. 435/2023 by the learned Judicial Magistrate No.1, Viridhachalam.

For Petitioner :: Mr.M. Selvam

For Respondent :: Mr.A. Damodaran,
Addl. Public Prosecutor



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ORDER

Criminal Revision Petition No. 1663 of 2024 has been filed by the owner of Hyundai Verna Car bearing Registration No.TN 02 AZ 0066 challenging the order dated 25.03.2024 passed by learned Judicial Magistrate No.1, Vridhachalam, dismissing Crl.M.P. No. 5588 of 2024 seeking interim custody of the vehicle.

2. The contention of the learned counsel for the petitioner is that the petitioner is not an accused in this case. His car had been seized for the reason that he is the father of A2 and A7 in this case. With regard to a panchayat election, there was enmity between the petitioner's family and de facto complainant's family and the two groups exchanged blows. As a follow up, on 08.09.2023, when the de facto complainant was stated to be standing near his land, A1 to A5 had come in two two-wheelers bearing Registration Nos. TN 91 AX 8485 & TN 91 V 6312, wielding pistol, Veecharuval and knife and aimed at the complainant. The complainant tried to escape in his car. But, the accused persons stopped him, abused him in filthy language, shot the complainant on his left side hip, damaged the car



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with deadly weapons and attacked the complainant. Thereafter, the accused escaped from the scene of occurrence. On registration of the case, on 09.09.2023, A1 to A8 were arrested and their confession statements were recorded and they were produced before learned Judicial Magistrate No.1, Virudhachalam. On 10.09.2023, A10 and A11 were arrested. It is further stated that in this case, on 22.09.2023, A12 and A13 were arrested and some recoveries are said to have been made. Later, on the death, the case was altered into offence under Sections 147, 148, 302, 307, 120(B) IPC Sections 3 & 4 of Explosive Substances Act, 1908 and Section 25(1)(a) and 27(i) of Arms Act, 1959. The seized articles were produced before the Magistrate. According to the learned counsel for the petitioner, the vehicle of the petitioner was not involved in any of the offences and the specific case of the prosecution is that the petitioner's car was used by the accused to escape after the attack. Since A2 and A7 are the sons of the petitioner, the petitioner's car has been falsely shown as case property and seized.

3. Learned Additional Public Prosecutor has filed counter and objected to return of the property. He would submit that in this case, for the



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attack, 3 vehicles have been used i.e, two two-wheelers and one Swift

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Dezire car. They used the petitioner's car to escape to other State. Further, in this case, on the arrest of some of the accused, pistols and bullets were recovered. The petitioner's son along with others had committed the grievous offence. Learned Additional Public Prosecutor would submit that if the vehicle is returned when the case is pending investigation, it would affect the investigation proceedings.

4. Considered the submissions and perused the materials on record.

5. It is seen that except using the car of the petitioner subsequent to the occurrence to flee from the State, the vehicle was not used at the time of commission of offence and the petitioner is also not an accused in this case.

6. In view of the above, this Court is inclined to pass the following order:

The respondent police is directed to grant custody of the said vehicle viz., Hyundai Verna – Silver Colour Car bearing registration No.TN-02-AZ-



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0066 to the petitioner subject to the following conditions:

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(i) The petitioner shall execute a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each, for a like sum to the satisfaction of the learned Judicial Magistrate No.1, Virudhachalam. The petitioner and the sureties shall affix their photographs and give the copies of their Aadhaar Card;

(ii)The petitioner shall not alter or alienate the vehicle in question till the completion of trial.

(iii)The petitioner shall take photograph of the vehicle and submit the same along with Compact Disc duly certified under Section 65-B of the Indian Evidence Act, 1872.

(iv)The petitioner shall submit a self attested photostat copy of R.C.Book before the learned Judicial Magistrate No.1, Virudhachalam.

(v) The petitioner shall produce the vehicle as and when directed to do so.



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M. NIRMALKUMAR,J.

nv

7. With the above directions, the impugned order dated 25.03.2024 in Crl.M.P.No.5588 of 2024 passed by the learned Judicial Magistrate No.1, Virudhachalam is set aside and the revision is, accordingly, allowed.

19.10.2024

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To

1. The Court of Judicial Magistrate No.1
Virudhachalam.
2. The Sub Inspector of Police,
Virudhachalam Police Station,
Cuddalore District.
3. The Public Prosecutor,
High Court, Madras.

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