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Crl.R.C.No.1743 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1743 of 2024

Malini Parthasarathy

... Petitioner

Vs.

The State Rep by
The Inspector of Police,
J-2 TIW Adyar P.S.,
Chennai.

... Respondent

PRAYER: Criminal Revision Petition filed under Sections 438 r/w 442 of BNSS, to call for the records and to set aside the conditions (ii), (iv) and (v) imposed by the Learned IV Metropolitan Magistrate, Saidapet, Chennai in Crl.M.P.No.13165 of 2024 dated 30.07.2024.

For Petitioner : Mr.Gunasekaran

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



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ORDER

Challenging the impugned order dated 30.07.2024 passed by the learned Metropolitan Magistrate, Saidapet in Crl.M.P.No.13165 of 2024, this criminal revision case has been filed.

2. The Petitioner is the owner of the Toyota Etios Car bearing Registration No.TN 07 CU 1008 which was detained by the Respondent Police pursuant to Crime No.284 of 2024 had filed a return of property petition in Crl.M.P.No.13165 of 2024.

3. The Trial Court by an Order dated 30.07.2024 granted interim custody of the car to the Petitioner with five conditions.

4. Aggrieved by the condition no.2, 4 and 5, the Petitioner had filed a Modification Petition. The Modification Petition except for producing the vehicle before the Lower Court, the other conditions were not modified. The other conditions is that the Petitioner shall not sell the vehicle or tamper the



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same till the disposal of the Trial Court. In view of the same, the above petition has been filed.

5. Thereafter, the Petitioner had filed a relaxation for the said Order in Crl.M.P.No.14877 of 2024 and the Lower Court had modified the conditions directing the Petitioner to produce the vehicle before the Court on first working day of every month until further orders.

6. The learned Additional Public Prosecutor for the Respondent would submit that after the directions of this Court, the vehicles were photographed, panchanama prepared and attested by the proper witnesses and the same now has been taken as part of the record.

7. The Petitioner is not an accused in this case. The Judicial Form No.82 was produced. In view of the Panchanama drawn which would form part of the record and which would be sufficient to be produced as an evidence during trial, this Court finds a condition of the Petitioner to retain the vehicle till the disposal of the case is not required.



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8. Further on the fact of the case also the Petitioner's vehicle stolen by the offenders without the knowledge of the Petitioner, the car had a brush with the patrol vehicle of the police department and nothing more. In view of the same, the condition imposed is set aside. The Petitioner is free to deal with the car as she likes.

9. Accordingly, the impugned order, dated 30.07.2024 passed by the learned Metropolitan Magistrate, Saidapet in Crl.M.P.No.13165 of 2024 is set aside and this criminal revision case is allowed.

25.10.2024

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No

rgm



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- To
- 1.The IV Metropolitan Magistrate,
Saidapet, Chennai.
 - 2.The Inspector of Police,
J-2 TIW Adyar P.S.,
Chennai.
 - 3.The Public Prosecutor,
Madras High Court.



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M.NIRMAL KUMAR, J.

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