



WEB COPY



Crl.R.C.No.1922 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.1922 of 2024

Purusothaman

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
E-2 Peelamedu Police Station,
Coimbatore.

... Respondent

PRAYER: Criminal Revision Petition filed under Sections 438 and 442 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records in Crl.M.P.No.21859 of 2024 in Crime No.546/2023 on the file of the Judicial Magistrate No.II, Coimbatore and set aside the order dated 13.08.2024 by allowing this revision.

For Petitioner : Mr.K.Balasubramaniam

For Respondent : Mr.V.J.Priyadarsana,
Government Advocate (Crl. Side)



Crl.R.C.No.1922 of 2024

ORDER

This Criminal Revision Case has been filed challenging the impugned order, dated 13.08.2024 passed by the learned Judicial Magistrate No.II, Coimbatore in Crl.M.P.No.21859 of 2024 in Crime No.546 of 2023.

2.The petitioner is an accused in Crime No.546 of 2023 registered by the respondent Police for offence under Sections 406, 420, 120B, 294(b) and 506(2) of IPC. During the course of investigation, the respondent Police had seized the petitioner's car, two wheelers and two mobile phones. The petitioner had filed a petition for return of property in Crl.M.P.No.18985 of 2024 in Crime No.546 of 2023 before the learned Judicial Magistrate No.II, Coimbatore and the same was allowed on 30.05.2024 by directing the petitioner to execute a bond for a sum of Rs.10,00,000/- along with two solvency surety to the likesum amount and also directed the petitioner to handover the original RC Book of the vehicles to be kept in the Court custody.

3.The learned counsel for the petitioner would submit that though the



order was passed on 30.05.2024, the petitioner was unable to comply with the onerous conditions; that he could not take return of the vehicles and other articles; that the vehicles are still kept in open space at the Police Station and thereby reducing its value. He would further submit that imposition of the onerous conditions by the learned Magistrate denies the petitioner's right to get interim custody of the vehicles and other articles.

4.The learned Government Advocate (Crl. Side) *per contra* would submit that the value of the vehicles would be Rs.10,00,000/-; and that therefore there is no infirmity in the order passed by the learned Magistrate.

5.Admittedly, the properties in question have nothing to do with the alleged offences committed by the petitioner. The properties cannot be allowed to be kept at the Police Station in an open space which would reduce the vehicles to a scrap as held by the Hon'ble Supreme Court in several cases. Further, there cannot be any onerous condition imposed for return of such vehicles. Admittedly, the petitioner was unable to comply with the onerous conditions imposed by the learned Magistrate by order,



Crl.R.C.No.1922 of 2024

dated 30.05.2024 in Crl.M.P.No.18985 of 2024. Therefore, this Court is inclined to modify the conditions imposed in Crl.M.P.No.18985 of 2024.

6.In view of the above, the impugned order, dated 13.08.2024 in Crl.M.P.No.21859 of 2024 in Crime No.546 of 2023 passed by the learned Judicial Magistrate No.II, Coimbatore is set aside. Accordingly, the learned Judicial Magistrate No.II, Coimbatore is directed to return the above articles to the petitioner on the following conditions:

(i)The petitioner shall execute a personal bond for sum of Rs.2,00,000/- (Rupees Two Lakh only) with two solvency surety, for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Coimbatore;

(ii)The petitioner shall not alter, alienate or encumber the car viz., Toyato Corolla Altis car bearing Reg.No.TN-37-DA-9889 and two wheelers viz., Yamaha Ray Blue Colour bearing Reg.No.TN-37-CK-6888 and Honda Activa Two Wheeler bearing Reg.No.TN-37-DP-1888 in any manner;

(iii)The petitioner shall produce the original RC Books along with self attested photostat copies of RC Books of the car and two wheelers and other



CrI.R.C.No.1922 of 2024

relevant records to prove his ownership. The learned Judicial Magistrate

No.II, Coimbatore, shall peruse the RC books and other records, retain xerox copy of the same and return the original RC books to the petitioner;

(iv)The petitioner shall not misuse the mobile phones viz., Promax Model Apple Cellphone and Samsung Galaxy M21 Model Cellphone for commission of any offence in future;

(v)The petitioner shall also given an undertaking that he will produce the above said car, two wheelers and mobile phones as and when required by the respondent Police and by the Court below.

7.In the result, this criminal revision case stands allowed.

12.11.2024

Index:Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation: Yes/No
vv2

SUNDER MOHAN, J.

vv2



CrI.R.C.No.1922 of 2024

To

1.The Judicial Magistrate No.II,
Coimbatore.

2.The Inspector of Police,
E-2 Peelamedu Police Station,
Coimbatore.

3.The Public Prosecutor,
Madras High Court.

CrI.R.C.No.1922 of 2024

12.11.2024