



Crl.R.C.No.1870 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.1870 of 2024

R.Balamurugan

... Petitioner

Vs.

1.State Rep. by,
The Inspector of Police,
Central Crime Branch, EDF-1, Team 2,
Vepery, Chennai.
(Crime No.139 of 2023).

2.K.S.Senthilvasan
[R2 suo motu impleaded as per order
dated 05.11.2024]

... Respondents

PRAYER: Criminal Revision Petition filed under Sections 438 and 442 of BNSS to call for the records and allow this revision by setting aside the order passed by the learned Metropolitan Magistrate For exclusive trial of CCB Cases (relating to Cheating Cases in Chennai) and CBCID Metro Cases, Egmore, Chennai-08 vide order dated 08.10.2024 in Crl.M.P.No.59247 of 2024 and direct the respondent police to return the vehicle Toyota Innova Crysta bearing registration number TN-77-L-2929 with the Original RC Book of the vehicle to the petitioner.



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For Petitioner : Mr.R.Venkatraman
For R1 : Mr.S.Udayakumar
Government Advocate (Crl. Side)
For R2 : Mr.K.Prabhu

ORDER

By order dated 09.12.2024, this Court observed as follows:

“The revision challenges the dismissal of petitioner's application for return of Toyota Innova Crysta Car bearing Regn.No.TN 77L 2929 with Original RC Book of the vehicle to the petitioner.

2.According to the petitioner, he is the friend of the first accused in Crime No.139 of 2023 registered for the offences under Section 406, 420 r/w 120(b) and 34 of IPC; that he had handed over the car to the accused for his use; and that the petitioner is the registered owner and the car is not involved in the alleged offence and filed a petition seeking for return of the vehicle. The learned Magistrate dismissed the said petition on the ground that the investigation is yet to be completed and the vehicle cannot



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be returned to the petitioner.

3.The learned counsel for the petitioner would submit that the petitioner is the registered owner of the vehicle; that the vehicle is kept idle in the police station since May 2024 and is subjected to vagaries of the weather, which would diminish its value and therefore, the petitioner may be permitted to take return of the car and undertook to abide by any stringent conditions imposed by this Court.

4.The learned Government Advocate (crl.side), on instructions, would submit that the investigation is yet to be completed and during the course of investigation, the accused by name Senthilvasan was arrested; and that the car in which he was travelling was seized under cover of mahazar; that the accused had stated that the car was purchased in the name of the petitioner; and that he is using the car from 2021 onwards; and that he is paying the dues for the car; and that since the investigation is pending, the car may not be returned to the petitioner.

5.Heard the learned counsel for the petitioner as well as the the second respondent and the learned Government Advocate (crl.side) appearing for the first respondent.



6.This Court, vide order dated 05.11.2024, suo motu impleaded the accused Senthilvasan as second respondent in this case. The learned counsel appearing for the second respondent, on instructions, would submit that the car may be returned to the petitioner and that he is the registered owner of the vehicle. At this juncture, the learned counsel for the second respondent also sought time to file an affidavit to that effect.

7.List the case on 11.12.2024.”

2.Today, pursuant to the undertaking given by the learned counsel for the second respondent, the second respondent filed an affidavit stating that the car may be returned to the petitioner, who is a registered owner.

3.Without advertng to the contentions made on either side as to who is the real owner, in view of the affidavit filed by the second respondent, this Court is of the view that since the car is kept idle in the Police Station, interim custody of the car may be handed over to the petitioner on the following conditions.



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4. In view of the above, the impugned order, dated 08.10.2024 in Crl.M.P.No.59247 of 2024 passed by the learned learned Metropolitan Magistrate For exclusive trial of CCB Cases (relating to Cheating Cases in Chennai) and CBCID Metro Cases, Egmore, Chennai-08 is set aside. Accordingly, the learned learned Metropolitan Magistrate For exclusive trial of CCB Cases (relating to Cheating Cases in Chennai) and CBCID Metro Cases, Egmore, Chennai-08 is directed to return the Toyota Innova Crysta car bearing Reg.No.TN-77-L-2929 to the petitioner on the following conditions:

(i) The petitioner shall execute a bond for sum of Rs5,00,000/- (Rupees Five Lakhs only) with two sureties each for a like sum to the satisfaction of the learned learned Metropolitan Magistrate For exclusive trial of CCB Cases (relating to Cheating Cases in Chennai) and CBCID Metro Cases, Egmore, Chennai-08;

(ii) The respondent shall submit the original RC to the learned Magistrate. Thereafter, the learned Magistrate shall peruse the RC book and other records, retain xerox copy of the same and return the original RC book



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to the petitioner. The petitioner thereafter shall file a self attested photostat copy of RC Book of the vehicle;

(iii)The petitioner shall not alter or alienate the vehicle in any manner;

(iv)The petitioner shall also give an undertaking that he will produce the vehicle as and when required by the respondent Police and by the Court below.

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

12.12.2024

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

cse



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To

- 1.The Metropolitan Magistrate
For exclusive trial of CCB Cases
(relating to Cheating Cases in Chennai) and
CBCID Metro Cases,
Egmore, Chennai-08
- 2.The Inspector of Police,
Central Crime Branch, EDF-1, Team 2,
Vepery, Chennai.
- 3.The Public Prosecutor,
Madras High Court.



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SUNDER MOHAN, J.

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