



Crl.R.C.No.1908 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2024

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.1908 of 2024

Manikandan

... Petitioner

Vs.

The State rep by
The Inspector of Police,
K8, Arumbakkam Police Station,
Chennai,
Crime No.297 of 2022.

... Respondent

PRAYER: Criminal Revision Petition filed under Sections 438 & 442 BNSS, 2023, to set aside the order passed in Crl.M.P.No.8075 of 2023, on the file of the XXII Additional City Civil Court, Allikulam, Chennai 600 003, dated 22.12.2023.

For Petitioner : Mr.C.Raja
For Respondent : Mr.S.Balaji
Government Advocate (Crl.Side)

ORDER

The present revision has been filed challenging the dismissal of the petition filed under Section 451 Cr.P.C. for returning the petitioner's two wheeler.



2.The learned counsel for the petitioner would submit that his neighbour borrowed the vehicle and had committed the offence under Sections 397 r/w Sections 120 (b), 342, 506 (ii), 455, 328, 427, 395 r/w 201, 412 & 414 IPC, that the petitioner is not an accused and since the seized vehicle is exposed to sun and rain at the police station, the value of the vehicle has diminished.

3.The learned Government Advocate (Crl.Side) on instructions would submit that the petitioner is not involved in the offence.

4.The petitioner is not involved in the offence and is the owner of the vehicle. Since the vehicle cannot be kept idle and exposed to sun and rain, thereby reducing its utility value, the vehicle YAMAHA MT 15(Black Mettalic X Colour) bearing Registration No.TN-32BB5554 can be directed to be returned to the petitioner.

5.Accordingly, this Criminal Revision Case is allowed and the impugned order dated 22.12.2023, passed in Crl.M.P.No.8075 of 2023, on the file of the XXII Additional City Civil Court, Allikulam, Chennai 600



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003, is set aside. In view of the same, the respondent police is directed to return the vehicle YAMAHA MT 15(Black Mettalic X Colour) bearing Registration No.TN-32BB5554 to the petitioner on the following conditions:

(i) The petitioner shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties to the satisfaction of the learned XXII Additional City Civil Court, Allikulam, Chennai 600 003;

(ii) The petitioner shall produce the original RC Book along with a self-attested Photostat copy of the RC Book of the vehicle and other relevant records to prove his ownership. The learned XXII Additional City Civil Court, Allikulam, Chennai 600 003, shall peruse the RC book and other records, retain a xerox copy of the same and return the original RC book to the petitioner;

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

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



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(v) The return of property would be subject to the result of the confiscation proceedings.

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

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To

- 1.The Inspector of Police,
K8, Arumbakkam Police Station,
Chennai,
Crime No.297 of 2022
- 2.The XXII Additional City Civil Court,
Allikulam, Chennai 600 003.
- 3.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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