



Crl.R.C.No.2000 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2024

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.2000 of 2024

Sarathi Senthil

... Petitioner

Vs.

The State Rep. by its,
The Inspector of Police,
S-3 Meenambakkam P.S.,
Chennai-27.
(Cr.No.37/2024).

... Respondent

PRAYER: Criminal Revision Petition filed under Sections 438 & 442 of BNSS, to set aside the dismissal order passed by the learned Judicial Magistrate at Alandur-I in Crl.M.P.No.4001/2024 dated 14.10.2024 and further directing the learned Judicial Magistrate at Alandur-I to return the petitioner's Two wheeler Bajaj KTM 390 Duke, PU TC KTM White Colored bearing Reg.No.KL-40-M-4812 to the petitioner.

For Petitioner : Mr.K.Shanmugam

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



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ORDER

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This Criminal Revision Case has been filed challenging the dismissal of the petitioner's application for return of property of his two wheeler viz., Bajaj KTM 390 Duke, PU TV KTM White Color bearing Reg.No.KL-40-M-4812 which was seized during investigation in Crime No.37 of 2024 registered for offence under Sections 115(2), 118(1), 109, 311, 324(6), 351(3) and 61(2) of The Bharatiya Nyaya Sanhita, 2023.

2.The allegation against the petitioner is that due to the dispute between the college students, the petitioner is said to have attacked the defacto complainant who came in support of certain college students; that the vehicle of the petitioner was seized by the respondent Police during investigation; and that the petitioner filed a petition before the learned Judicial Magistrate No.I, Alandur in C.M.P.No.4001 of 2024 seeking return of the vehicle and the same was dismissed on the ground that the investigation is at the preliminary stage.



3.The learned counsel for the petitioner would submit that the vehicle of the petitioner was not involved in any offence as alleged by the prosecution; that since the vehicle is kept in open space exposed to the vagaries of weather, further retention of vehicle at the Police station would make the vehicle unusable, and it would become a scrap; and that the petitioner is ready to comply with any condition of this Court while granting return of vehicle.

4.The learned Government Advocate (Crl. Side) *per contra* would submit that the vehicle of the petitioner was seized by the respondent Police during investigation; and that there is no infirmity in the order passed by the learned Magistrate.

5.Admittedly, the vehicle was seized by the respondent Police during investigation and is kept in a open place under the custody of the respondent Police. The Hon'ble Supreme Court and this Court had repeatedly held that the vehicle cannot be subjected to vagaries of weather and can be returned to the person entitled to the custody subject to the stringent condition.



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Hence, this Court is inclined to return the vehicle to the petitioner subject to the result of the confiscation proceedings.

6.In view of the above, the impugned order, dated 14.10.2024 in C.M.P.No.4001 of 2024 passed by the learned Judicial Magistrate No.I, Alandur is set aside. Accordingly, the learned Judicial Magistrate No.I, Alandur is directed to return the Bajaj KTM 390 Duke, PU TV KTM White Color bearing Reg.No.KL-40-M-4812 to the petitioner on the following conditions:

(i)The petitioner shall execute a bond for sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Alandur;

(ii)The petitioner shall produce the original RC Book along with self attested photostat copy of RC Book of the vehicle and other relevant records to prove her ownership. The learned Magistrate shall peruse the RC book and other records, retain xerox copy of the same and return the original RC book to the petitioner;



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(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.

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

20.11.2024

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

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To

1.The Judicial Magistrate No.I,
Alandur.

2.The Inspector of Police,
S-3 Meenambakkam P.S.,
Chennai-27.

3.The Public Prosecutor,
Madras High Court.



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SUNDER MOHAN, J.

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