



Crl.R.C.No.2069 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2024

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THE HONOURABLE **MR.JUSTICE SUNDER MOHAN**

Crl.R.C.No.2069 of 2024

G.Priya

... Petitioner/Applicant

Vs.

The Inspector of Police,
R-2, Kotampakkam Police Station,
Chennai.
(Crime No.218 of 2024).

...Respondent/Complainant

PRAYER: Criminal Revision Petition filed under Section 438 and 442 of BNSS Act, to set aside the order made in Crl.M.P.No.20450 of 2024 on the file of the learned XVII Metropolitan Magistrate, Saidapet, Chennai -15, in the release of her auto bearing Reg.No.TN 09 DH 9481.

For Petitioner : Mr.R.Suresh

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)



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ORDER

The revision challenges the dismissal of the petitioner's application for the return of the vehicle i.e., Auto bearing Reg.No.TN 09 DH 9481.

2. The petitioner's husband is involved in Crime No.218 of 2024, registered for the offences punishable under Section 309 (4) of the BNS. The allegation against the petitioner's husband is that he committed theft of the *de-facto* complainant's phone and escaped in the auto belonging to the petitioner.

3. During the course of the investigation, the auto bearing Reg.No. TN 09 DH 9481 was seized by the respondent police on 09.10.2024. The petitioner sought the return of her vehicle and the same was dismissed by the trial Court on the ground that the petitioner's husband was involved in a serious offence and he is committing the offence of robbery repeatedly.

4. Mr.R.Suresh, the learned counsel for the petitioner, would submit that the petitioner is not an accused; that the vehicle was not used by the



husband of the petitioner for any offences committed by him earlier; and that ever since the date of seizure, the vehicle has been kept idle in the police station subject to the vagaries of the weather and prayed for setting aside the order passed by the learned XVII Metropolitan Magistrate, Saidapet, Chennai—600 015 in Crl.M.P.No.20450 of 2024, dated 07.11.2024.

5. Mr.S.Udaya Kumar, the learned Government Advocate (Crl.Side) for the respondent on instructions, would submit that the petitioner's husband is involved in six cases including the offences under the Narcotic Drugs Psychotropic Substances Act and if the vehicle is handed over to the petitioner, the petitioner's husband would involve himself in similar types of offences; and prayed for dismissal of the petition.

6. On the specific question put by this Court, the learned Government Advocate (Crl.Side) for the respondent on instructions, would submit that the vehicle was not used by the petitioner's husband earlier for any of the offences said to have been committed by him. The vehicle is kept idle in the



police station and subject to the vagaries of the weather. The Hon'ble Supreme Court had held that in such circumstances, the interim custody can be handed over to the owner of the vehicle on stringent conditions. It is needless to say that if the vehicle is used once again for the commission of any other similar offences, no further indulgence would be shown to the petitioner.

7. Accordingly, this Criminal Revision Case is allowed and the impugned order dated 07.11.2024 passed by the learned XVII Metropolitan Magistrate, Saidapet, Chennai – 600 015 in Crl.M.P.No.20450 of 2024 in Crime No.218 of 2024 is set aside. In view of the same, the respondent is directed to return the Auto bearing Reg.No.TN 09 DH 9481 to the petitioner on the following conditions:

(i) The petitioner shall execute a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties for a like sum to the satisfaction of the learned XVII Metropolitan Magistrate, Saidapet, Chennai – 600 015;

(ii) The petitioner shall produce the original RC Book along with a self-attested Photostat copy of the RC



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Book of the vehicle and other relevant records to prove her ownership. The learned XVII Metropolitan Magistrate, Saidapet, Chennai – 600 015, 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;

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

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

17.12.2024

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

Note: Issue Order copy by 19.12.2024.



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To

1.The XVII Metropolitan Magistrate,
Saidapet,
Chennai -15.

2.The Inspector of Police,
R-2, Kotampakkam Police Station,
Chennai.

3.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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