



Crl.R.C.No.26 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 11.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

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Prakash

... Petitioner

Vs.

The Deputy Superintendent of Police,
Economic Offences Wing,
Tiruvannamalai.
(Ref. Crime No.01/2023)

... Respondent

PRAYER: Criminal Revision has been filed under Section 438 r/w 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to set aside the order passed in Cr.M.P.No.2334 of 2024 on the file of the Special Court under TNPID Act, Chennai, vide order dated 19.12.2024.

For Petitioner : Mr.N.U.Prasanna
For Mr.M.Raja

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)

ORDER

This Criminal Revision has been preferred as against the order dated 19.12.2024, passed by the learned Special Judge, Special Court under TNPID Act, Chennai, in Cr.M.P.No.2334 of 2024 in C.C.No.07 of 2024,



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thereby dismissing the petition filed by the petitioner for return of vehicle.

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2. The petitioner owned vehicle Mahindra Thar (jeep car), bearing registration No.TN 99V0010 and he rented the vehicle. When it was driven by the fourth accused in Crime No.1 of 2023, he was arrested and remanded to judicial custody. As a result of his arrest, the vehicle which was driven by him was also seized by the respondent. Therefore, the petitioner filed a petition to return the vehicle and the same was dismissed by the trial Court. Hence the petitioner filed the present revision.

3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4. Admittedly, the petitioner is not an accused in Crime No.1 of 2023 and the fourth accused is not the owner of the vehicle. The fourth accused was arrested in pursuant to the registration of FIR in Crime No.1 of 2023 for the offences under Section 120(b), 406, 420 r/w 34 of IPC, Section 76(1) of the Chief Funds Act, Sections 21(3), 23, 25 of the Banning of Unregulated Deposit Schemes Act and Section 5 of the Tamil Nadu Protection of Interests of Depositors (in Financial Establishment) Act, alleging that the fourth accused

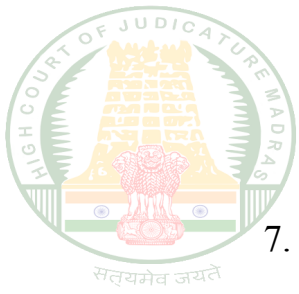


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and other accused persons collected huge amount and failed to repay the same as assured by them. On the confession statement of the fourth accused, the vehicle has been seized from him.

5. That apart, the vehicle was purchased by the petitioner directly from the dealers and he was no way connected with the crime. Therefore, it cannot be construed that the vehicle was purchased from the crime proceeds. Only on the ground that the fourth accused had driven the vehicle at the time of his arrest, the vehicle was seized from him. The records show that there is absolutely no connection between the petitioner with other accused persons and the vehicle was purchased from any crime proceeds.

6. Further the provision under Section 497(1) of BNSS provides for protection of the property from degradation due to non maintenance in the custody of the police as it takes long time for conclusion of criminal proceedings. The vehicle is in broad day light from the date of seizure and the trial has also been commenced and hence no useful purpose will be served in keeping the vehicles parked in the sunlight and rain. Therefore, the order passed by the trial Court cannot be sustained and is liable to be set aside.



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7. In view of the above discussions, this Court is inclined to return

the vehicle to the petitioner and accordingly, the order dated 19.12.2024 passed by the learned Special Judge, Special Court under TNPID Act, Chennai, in Cr.M.P.No.2334 of 2024 in C.C.No.07 of 2024, is hereby set aside. The learned Special Judge, Special Court under TNPID Act, Chennai, is directed to return the Mahindra Thar (jeep car), bearing registration No.TN99V0010 to the petitioner, forthwith on the following conditions:-

(i) the petitioner is directed to execute an own bond for a sum of Rs.1,00,000/- (Rupees One lakh only) to the satisfaction of the concerned Magistrate.

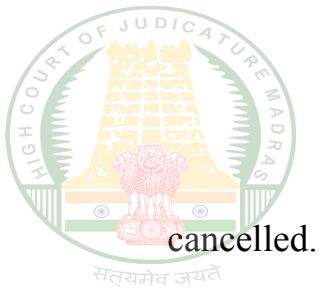
(ii) the petitioner shall deposit the original registration certificate of the vehicle with the concerned Magistrate.

(iii) the seized item should be photographed at the cost of the petitioner herein and a list is to be prepared and the same is to be signed by the petitioner.

(iv) the petitioner shall not alienate and shall not make any alteration in the vehicle.

(v) the petitioner shall produce the vehicle before the Court and before the respondent police as and when required;

(vi) If any of the conditions are violated, this order automatically stands



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cancelled.

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8. Accordingly, the Criminal Revision Case stands allowed.

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Internet: Yes

Index: Yes/No

Speaking/Non speaking order

rts

To

1. The Special Judge,
Special Court under TNPID Act,
Chennai.

2. The Deputy Superintendent of Police,
Economic Offences Wing,
Tiruvannamalai.

3. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN. J,

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