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Crl.R.C.No.196 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.196 of 2025

Usha Moorthy

... Petitioner

vs.

State Rep. by

The Inspector of Police,

E-1, Mylapore Police Station,

Chennai.

(Crime No.352/2024)

...Respondent

PRAYER: Criminal Revision Petition filed under Sections 438 r/w 442 of BNSS, to call for the records and set aside the order passed on 14.11.2024 by the learned Metropolitan Magistrate No.XVIII, Saidapet in Crl.M.P.No.21581 of 2024 and direct the respondent police to return the petitioner's vehicle Three Wheeler Bajaj Auto bearing Registration No. TN-06-Z-3263.

For Petitioner : Mr.K.Madhan

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



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ORDER

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The revision challenges the dismissal of the petitioner's application seeking return of her vehicle, namely, Bajaj Auto Three Wheeler bearing Registration No.TN-06-Z-3263.

2.A case in Crime No.352 of 2024 was registered for the offences under Sections 126(2), 296(b), 118(1), 74 and 351(2) of BNS against the son of the petitioner, who had taken the Auto. It is alleged that the son of the petitioner had misbehaved with the de-facto complainant, who is closely related to him while going in the Auto. During the course of investigation, the said vehicle was seized.

3.The petitioner being the owner of the Auto sought for return of the Auto and the same was dismissed by the trial Court on the ground that the said vehicle cannot returned, since the investigation is pending.



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4.The learned counsel for the petitioner would submit that admittedly, the petitioner is the owner of the Auto and has also produced the Registration Certificate to establish the same; that the vehicle is kept idle in the police station and it is subjected to the vagaries of weather; that it would become a scrap; that the petitioner is ready to comply with any stringent condition that this Court may impose; and hence, prayed for return of the vehicle.

5.Heard the learned Government Advocate (Crl. Side).

6.Considering the fact that the vehicle is kept idle in the police station ever since the date of seizure, i.e., 25.10.2024 and subjected to vagaries of weather and its value cannot be allowed to be diminished, this Court is of the view that the petitioner being the owner is entitled to interim custody of the vehicle. Therefore, this Court is inclined to hand over interim custody of the vehicle to the petitioner on conditions.



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7. Accordingly, this Criminal Revision Case is allowed and the impugned order dated 14.11.2024 passed by the learned XVIII Metropolitan Magistrate, Saidapet, Chennai in Crl.M.P.No.21581 of 2024 in Crime No.352 of 2024 is set aside. In view of the same, the respondent is directed to return the vehicle viz., Bajaj Auto Three Wheeler bearing Registration No. TN-06-Z-3263 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 likesum to the satisfaction of the learned XVIII Metropolitan Magistrate, Saidapet, Chennai;

(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 her ownership. The learned Magistrate 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;



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(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.

30.01.2025

Index : Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

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To

1.The XVIII Metropolitan Magistrate,
Saidapet, Chennai.

2.The Inspector of Police,
E-1, Mylapore Police Station,
Chennai.

3.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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