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Crl.R.C.No.311 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2025

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.311 of 2025

B.Priyanka

... Petitioner

Vs

State represented by,
The Inspector of Police,
G-5, Secretariat Colony Police Station,
Chennai.

... Respondent

PRAYER:

Criminal Revision Petition filed under Section 438 read with 442 of BNSS, to set aside the order passed by the learned II Metropolitan Magistrate Court at Egmore, Chennai in Crl.M.P.No.59716 of 2024 in Cr.No.179 of 2024 dated 04.11.2024 and revise the order and return the property to the absolute owner (petitioner).

For Petitioner : Mr.E.Gopalakrishnan

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

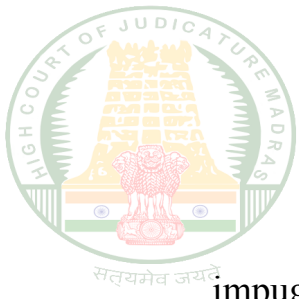


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WEB COPY This Criminal Revision Petition has been filed to set aside the order dated 04.11.2024 passed in Crl.M.P.No.59716 of 2024 in Cr.No.179 of 2024 by the learned II Metropolitan Magistrate Court at Egmore, Chennai.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent-Police and perused the materials available on record.

3. The learned counsel for the petitioner submitted that petitioner is the owner of the vehicle. The petitioner is not an accused and she is noway connected with the case. She has not committed any offence as alleged by the prosecution. The respondent police seized her vehicle in the case in Crime No.179 of 2024. Hence, the petitioner filed a petition in Crl.M.P.No.59716 of 2024 in Cr.No.179 of 2024, by invoking under Sections 497 & 503 BNSS, before the the learned II Metropolitan Magistrate at Egmore, Chennai. The learned Magistrate failed to consider the ownership of the vehicle, dismissed the same, vide



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impugned order dated 04.11.2024. Aggrieved by the same, the petitioner has filed this criminal revision petition.

4. Learned Additional Public Prosecutor appearing for the respondent-Police submitted that a case in Crime No.179 of 2024 was registered against the accused, for the offences under Sections 192(2), 191(3), 137(2), 126(2), 296(B), 127, 115(2), 118(1), 109, 351(3) of BNSS. Though RC Book stands in the name of the petitioner, the petitioner's husband who is the driver of the vehicle, is one of the prime accused and he has been arrayed as A3 in the abovesaid case. The said vehicle is used for kidnapping a person and the offences are grave in nature. Investigation is in preliminary stage. Hence, the order of the learned Magistrate is liable to be confirmed.

5. Considering the above submission and considering the fact that the vehicle was used for kidnapping a person and the fact that the investigation is in preliminary stage, this Court is not inclined to interfere with the order passed by the learned Magistrate. However, the petitioner



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is at liberty to approach the learned Magistrate concerned, after filing of charge sheet.

6. In view of the above, this Criminal Revision Petition is dismissed.

14.02.2025

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

1. The II Metropolitan Magistrate Court at Egmore, Chennai.
2. The Inspector of Police,
G-5, Secretariat Colony Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

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