



Crl.R.C.No.713 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2025

CORAM:

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

Crl.R.C.No.713 of 2025

Kuppusamy Vellaiyan

... Petitioner

Vs

The State Rep by its,
The Inspector of Police,
CSCID Chennai Police Station,
(Crime No.270 of 2024)

... Respondent

PRAYER: Criminal Revision Case is filed under Section 438 read with Section 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order of dismissal dated 20.03.2025 made in C.M.P.No.2283 of 2025 in Cr.No.270 of 2024 in CC.No.24 of 2025 on the file of the Judicial Magistrate Court No.I at Thiruvallur, by allowing the present Criminal Revision Petition.

For Petitioner : Mr.S.Murugesan

For Respondent : Mr.A.Gopinath

Government Advocate (Crl.side)

ORDER

This Criminal Revision has been filed challenging the order of dismissal dated 20.03.2025 made in C.M.P.No.2283 of 2025 in Cr.No.270 of 2024 in CC.No.24 of 2025 on the file of the Judicial Magistrate Court No.I at Thiruvallur, thereby dismissing the petition filed for return of property.



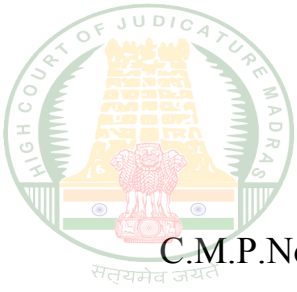
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2. Heard the learned counsel appearing on either side and perused the materials placed on record.

3. The petitioner is the owner of the Ashok Leyland Tanker Lorry bearing Registration No. TN 05 CM 6730. The said vehicle was involved in a crime registered in Crime No.270 of 2024 for the offences punishable under Sections 2(e), 2(f), 2(e)(ii), 2(e)(v), 2(e)(vi) of MS and HSD and Section 7(1)(a)(ii) of EC Act alleging that the accused had stolen the diesel and petrol from the tanker lorry which were meant to be supplied to the dealers.

4. Even according to the case of the prosecution, the accused had stolen the diesel and petrol from the tanker lorry which were meant to be supplied to the dealers. Therefore, the lorry was not used for committing any offence by the petitioner or any other accused. Hence, the lorry owned by the petitioner has nothing to do with the crime committed by the accused. However, without considering the facts and circumstances, the Trial Court dismissed the application for return of property.

5. In view of the above, the order dated 20.03.2025 made in



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C.M.P.No.2283 of 2025 on the file of the Judicial Magistrate Court No.I at

Thiruvallur, is hereby set aside. The Judicial Magistrate Court No.I at Thiruvallur, is directed to return the Ashok Leyland Tanker Lorry bearing Registration No.TN 05 CM 6730 to the petitioner, forthwith on the following conditions:-

(i) the petitioner is directed to execute a own bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) to the satisfaction of the concerned Magistrate to the credit of Crime No.270 of 2024 pending on the file of the respondent police.

(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



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stands cancelled.

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6. Accordingly, the Criminal Revision Case stands allowed.

12.06.2025

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

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To

1. The The Judicial Magistrate Court No.I at Thiruvallur.

2. The Inspector of Police,

CSCID Chennai Police Station,

3. The Public Prosecutor,

High Court, Madras.



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G.K.ILANTHIRAIYAN. J.

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