



Crl.RC.No.765 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED:16.06.2025

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

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Sekar
S/o. Loganathan,
Kollaimesu,
Keezhkothur Village and Post,
Anaicut Taluk,
Vellore District – 632 103.

...Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Veppankuppam Police Station,
Vellore.
(Cr.No.38 of 2025)

... Respondent

PRAYER: Criminal Revision Petition filed under Section 438 r/w. 442 of BNSS, 2023, to set aside the order passed by the learned Judicial Magistrate, Additional Mahila Court, Vellore in Crl.M.P.No.4520 of 2025 in Crime No.38 of 2025 vide order dated 26.05.2025 and direct the respondent to release the JCB bearing registration No.TN 23 CS 5052.

For Petitioner : Mr.M.R.Thangavel



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For Respondent : Mr.A.Gopinath

Government Advocate (Crl.side)

ORDER

This Criminal Revision has been filed as against the order passed by the learned Judicial Magistrate, Additional Mahila Court, Vellore in Crl.M.P.No.4520 of 2025 in Crime No.38 of 2025 vide order dated 26.05.2025, thereby dismissing the petition filed by the petitioner for the return of the property.

2. Heard both sides and perused the materials available on record.

3. The petitioner owned the vehicle JCB bearing registration No.TN 23 CS 5052. The petitioner is an accused in Cr.No.38 of 2025 registered for the offences under Sections 103(1), 109, 191(2), 191(3), 126(2), 296(b), 351(3), 115(2), 118(1) r/w. 4 of TNPHW Act, alleging that the petitioner and other accused involved in murdering the *de facto* complainant's father on 03.02.2025 due to previous pathway dispute.

4. The case of the prosecution is that the petitioner and others were



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digging a pit in the pathway of the *de facto* complainant's house and when it was questioned by the *de facto* complainant and his family members, the accused threatened them with dire consequences and attacked the *de facto* complainant and his father and due to which they sustained injuries and the *de facto* complainant's father died.

5. In pursuant to registration of FIR, the petitioner's vehicle which was used to dig the pit on the pathway has been seized by the respondent police and deposited before the Magistrate Court. In order to return the said vehicle, the petitioner had filed a petition and the same was dismissed by the Magistrate Court on the ground that the vehicle was used in committing the crime.

6. On perusal of the records it is revealed that the petitioner owned the vehicle JCB bearing registration No.TN 23 CS 5052 and it was used by the petitioner to dig the pit in the pathway of the defacto complainant's house, however, the same was not used for the offences committed by the petitioner and other accused. Further, the said vehicle has got nothing to do with the crime as alleged by the prosecution. Therefore, the petitioner had



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made out a *prima facie* case to return the vehicle.

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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 26.05.2025 passed by the learned Judicial Magistrate, Additional Mahila Court, Vellore in Crl.M.P.No.4520 of 2025 in Crime No.38 of 2025, is hereby set aside. The learned Judicial Magistrate, Additional Mahila Court, Vellore, is directed to return the JCB bearing registration No.TN 23 CS 5052 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 Judicial Magistrate, Additional Mahila Court, Vellore, to the credit of Crime No.38 of 2025 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



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in the vehicle.

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

8. Accordingly, the Criminal Revision Case stands allowed.

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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
bkn

To

1. The Judicial Magistrate, Additional Mahila Court, Vellore
2. The Inspector of Police,
Veppankuppam Police Station,
Vellore.
3. The Public Prosecutor
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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