



Crl.O.P.No.17743 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.17743 of 2025

S.R.V.VallalPaari

... Petitioner

Vs.

The Inspector of Police
Sevvapet Police Station
Sevvapet, Salem
(Crime No.24 of 2024)

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to set aside the returned docket order dated 11.12.2024 passed in unnumbered C.M.P. of 2024 in S.C.No.188 of 2024 in Crime No.24 of 2024 by the Additional District Court-II, Salem and consequently direct the Additional District Court-II, Salem to order the return of the petitioner's vehicle, Maruti Suzuki India Ltd., Omni bearing Registration No.TN 36 AE 4660.

For Petitioner : Mr.D.Udhayasuriyan

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



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ORDER

WEB COPY The Criminal Original Petition has been filed by the petitioner to set aside the returned docket order dated 11.12.2024 passed in unnumbered C.M.P. of 2024 in SC.No.188 of 2024 in Crime No.24 of 2024 by the learned Additional District Court-II, Salem and consequently direct the learned Additional District Court-II, Salem to order the return of the petitioner's vehicle namely, Maruti Suzuki India Ltd., Omni bearing Registration No.TN 36 AE 4660.

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

3. It is seen that the subject matter of property was seized by the respondent police during investigation in connection with the case in Crime No.24 of 2024 registered for the offences under Sections 279, 337, 304A, 302 read with 120(B), 109, 147, 302 IPC and after investigation, the vehicle was produced before the Magistrate. Subsequently, the case was committed to the Court of Sessions. Now the case property is with the trial Court. Though the petitioner is alleged to be the owner of the subject property, he is neither an accused nor a witness to this case. The subject property is necessary for identification during trial.

4. Only the parties to a proceedings, can give an undertaking and



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get the interim custody of the property and that the third party is not entitled to get the custody of a property and that there is a possibility of changing the structure or alienating the property. Further, the property has not been marked as an evidence. Therefore, the learned Judge has rightly returned the application filed by the petitioner, however, has given opportunity to the petitioner to file the petition after the marking of the property. Under these circumstances, this court does not find any reason to interfere with returned docket order passed by the learned Judge as the petitioner is neither a party nor a witness to the proceedings.

5. Accordingly, this Criminal Original Petition is dismissed.

6. However, the petitioner is at liberty to work out his remedy in the manner known to law.

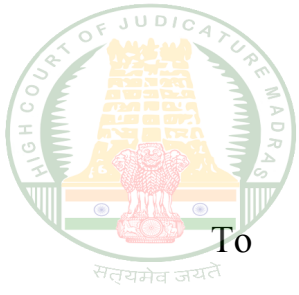
10.07.2025

Index : Yes/No

Neutral Citation Case : Yes/No

Speaking Order : Yes/No

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To

WEB COPY

1. The Additional District Court-II,
Salem
2. The Inspector of Police
Sevvapet Police Station
Sevvapet, Salem
3. The Public Prosecutor
High Court of Madras, Chennai



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P.VELMURUGAN, J

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