



Crl.R.C.No.890 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2025

CORAM:

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

Crl.R.C.No.890 of 2025

Monika Road Carriers,
Represented by its partner
Shyam Sundar Singh, 41/M
S/o.Mohan singh,
D.No.197, DAULAH Post-122 103,
GURURAM District,
Haryana State.

..... Petitioner

Vs

1.State by: The Sub Inspector of Police,
Mecheri Police Station,
Salem District,
Crime No.467 of 2024

2.Samesh Kumar

..... Respondents

PRAYER: Criminal Revision Case is filed under Sections 397 r/w 401 of Criminal Procedure Code, to set aside the order dated 29.05.2025 made in C.M.P.No.106 of 2025 in Crime No.467 of 2024 on the file of Judicial Magistrate No.II, Mettur, by releasing the petitioner's vehicle bearing Reg.No.HR 63 D 8977 and HAR 63 D 7510 which is under the 1st Respondent's custody.



WEB COPY



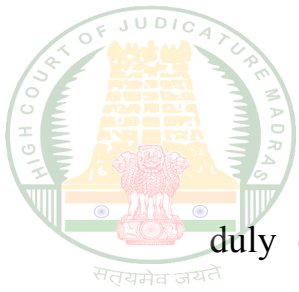
Crl.R.C.No.890 of 2025

For Petitioner : Mr.R.Marudhachalamurthy
For R-1 : Mr.A.Gopinath,
Government Advocate (Crl.Side)
For R-2 : Ms.S.Abhinaya Sree
for Ms.A.Parthasarathy & Associates

ORDER

This Criminal Revision has been filed as against the order passed in C.M.P.No.106 of 2025 dated 29.05.2025 on the file of the Judicial Magistrate No.II, Mettur thereby dismissed the petition filed for return of vehicle.

2. The petitioner is the complainant in which the second respondent is the accused in Crime No.467 of 2024 registered for the offences punishable under Section 406 of BNS Act alleging that the petitioner and second respondent are the partners of the partnership firm namely Monica Road Carriers. The second respondent on his own volition expressed his opinion to retire from the partnership firm thereafter accordingly was dropped proceeded to formalise his retirement. However, the second respondent without executing any deed, imposed several conditions for his retirement and all the conditions were



Crl.R.C.No.890 of 2025

duly complied with. However, the second respondent wrongly took possession of four lorries and sold out two lorries in favour of the third party.

3. Based on the complaint, the first respondent registered FIR and seized four lorries. The two lorries were already returned to the purchaser. Insofar as the other two lorries are concerned, the petitioner filed an application seeking return of property. However, it was dismissed on the ground that already the claim petition has been filed before the arbitrator and the arbitration proceedings are pending.

4. Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate for the first respondent.

5. The learned counsel appearing for the second respondent submitted that though the lorries were purchased in the name of the partnership firm, they were purchased through the loan availed by the second respondent. That apart, the learned counsel also disputes the retirement of the second respondent from the firm. However, these issues can be resolved before the arbitrator. In the meanwhile, the interim



Crl.R.C.No.890 of 2025

custody can be given to the petitioner.

WEB COPY

6. A perusal of the materials on records reveals that, now the lorries are kept in open air and open sunlight. Though this Court cannot decide the ownership of the lorries, the interim custody can be given to the person entitled. All the lorries were purchased in the name of the partnership firm. Now the second respondent is also retired from the partnership firm. Therefore, the interim custody of the lorries can be handed over to the petitioner till the completion of the arbitration proceedings. Therefore, the order passed by the trial court cannot be sustained.

7. In view of the above discussions, this Court is inclined to return the vehicle to the petitioner and accordingly, the order dated 29.05.2025 passed in C.M.P.No.106 of 2025 by the learned Judicial Magistrate No.II, Mettur is hereby set aside. The Inspector of Police, Mecheri Police Station, Salem District is directed to return the Lorries bearing Registration Nos.HR 63 D 8977 & HR 63 D 7510 to the petitioner, forthwith on the following conditions:-



WEB COPY



Crl.R.C.No.890 of 2025

(i) the petitioner is directed to execute an own bond for a sum of **Rs.1,00,000/- (Rupees One lakh only)** for **each Lorry** to the satisfaction of the concerned Magistrate to the credit of Crime No.467 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 items 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 stands cancelled.



Crl.R.C.No.890 of 2025

WEB COPY

8. In the result, the Criminal Revision Case is allowed.

16.07.2025

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

To

1. The learned Judicial Magistrate No.II,
Mettur.
2. The Inspector of Police,
Mecheri Police Station,
Salem District.
3. The Public Prosecutor,
High Court of Madras,
Chennai-600 104.



WEB COPY



Crl.R.C.No.890 of 2025



WEB COPY



Crl.R.C.No.890 of 2025

G.K.ILANTHIRAIYAN, J.

Nhs

Crl.R.C.No.890 of 2025

16.07.2025