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Crl.RC.No.1268 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:31.07.2025

CORAM:

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

Crl.RC.No.1268 of 2025

Imdad Sharief
S/o. Ahamed Basha,
No.44/22, Pananthoppu 3rd Street,
Cinna Allapuram,
Vellore District – 632 001.

...Petitioner

Vs.

State Rep. by
The Inspector of Police,
Bagayam Police Station.
Cr.No.429/2024

... Respondent

PRAYER: Criminal Revision Petition filed under Section 438 and 442 of BNSS, 2023, to call for the records connected with the order dated 19.03.2025 in C.M.P.No.1026 of 2025 in Crime No.429 of 2024 on the file of the learned Judicial Magistrate No.I, Vellore and set aside the same as illegal.

For Petitioner : Mr.S.N.Malik Saleem

For Respondent : Mr.A.Gopinath

Government Advocate (Crl.side)



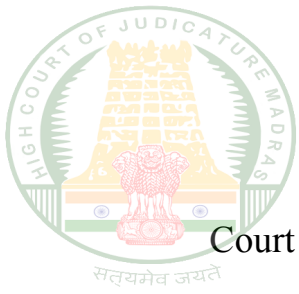
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ORDER

WEB COPY This Criminal Revision has been filed as against the order dated 19.03.2025 in C.M.P.No.1026 of 2025 in Crime No.429 of 2024 on the file of the learned Judicial Magistrate No.I, Vellore, thereby dismissing the petition to return the property.

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

3. The petitioner is arrayed as A3 in a complaint registered by the respondent police in Cr.No.429/2024 for the offences punishable under Section 118(1), 127(2), 351(3), BNS, 25(1)(a) of the Arms Act & 184 MV Act, alleging that due to previous enmity, the petitioner and other accused attacked the victim with deadly weapon. Thereafter, the accused flew away from the scene of crime by using a two wheeler viz., *TVS Jupiter 125*, bearing Reg.No.*TN 23 DD 8759*. In pursuant to the registration of FIR, the petitioner was arrested and remanded to judicial custody and the vehicle used by the petitioner and his mobile phone viz., *OPPO RENO 10*, were seized and produced before the trial Court. The petitioner who is being the owner of the vehicle and the mobile phone, filed a petition before the trial



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Court to return the property. However, the said petition was dismissed.

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4. On a perusal of the records it is seen that the alleged vehicle and mobile phone were not used for committing the crime. Hence, this Court is inclined to return the vehicle and the mobile phone to the petitioner on conditions.

5. Accordingly, the order dated 19.03.2025 made in C.M.P.No.1026 of 2025 in Crime No.429 of 2024 on the file of the learned Judicial Magistrate No.I, Vellore, is hereby set aside. The learned learned Judicial Magistrate No.I, Vellore, is directed to return the vehicle TVS Jupiter 125 bearing Reg.No.TN 23 DD 8759 and the mobile phone OPPO RENO 10, to the petitioner, forthwith on the following conditions:-

(i) the petitioner is directed to execute an own bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the Judicial Magistrate No.I, Vellore, to the credit of Crime No.429 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.



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(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 deposit the original invoice or bill of the phone with the concerned Magistrate.

(v) the petitioner shall not alienate and shall not make any alteration in the vehicle and the mobile.

(vi) the petitioner shall produce the vehicle and the mobile phone before the Court and before the respondent police as and when required;

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

6. Accordingly, the Criminal Revision Case stands allowed.

31.07.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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- To
1. The Judicial Magistrate No.I, Vellore.
 2. The Inspector of Police,
Bagayam Police Station.
 3. The Public Prosecutor
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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