



Crl.O.P.No.10926 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2025

CORAM:

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

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Sugumar

.... Petitioner

Vs

The State rep.by
The Inspector of Police,
Gobichettipalayam Police Station,
Erode District.
Cr.No.14/2021.

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order dated 29.02.2024 passed in Criminal Revision Petition No.55/2022 on the file of III-Additional District and Sessions Judge, Erode at Gobichettipalayam and confirming the order dated 22.01.2022 passed in Crl.M.P.No.21/2022 on the file of Judicial Magistrate No.1, Gobichettipalayam in Crime No.14/2021 on the file of the respondent and release the Hyundai Verna Car bearing registration No.TN 06 J 3141.

For Petitioner : Mr.J.Ranjithkumar

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)



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ORDER

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This Criminal Original Petition has been filed challenging the order dated 29.02.2024 passed in Crl.R.C.No.55 of 2022 on the file of the III Additional District and Sessions Judge, Erode at Gobichettipalayam, thereby confirming the order dated 22.01.2022 passed in Crl.M.P.No.21 of 2022 on the file of the Judicial Magistrate No.I, Gobichettipalayam, thereby dismissing the application filed by the petitioner to return of vehicle.

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

3. The petitioner is the defacto complainant in Crime No.14 of 2021 registered for the offences under Sections 406 and 420 of IPC, alleging that he is running a furniture shop and had employed one Lakshmanan as a driver. The said Lakshmanan was permitted to stay in the godown premises along with his family members. While being so, on 30.12.2020, the said Lakshmanan informed the petitioner that his wife was unwell and requested to use the petitioner's car to take her to the hospital. Thereafter, the accused neither returned the vehicle nor could



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his whereabouts be traced and no further information was received from him.

4. Based on the complaint, the respondent registered an FIR in Crime No.14 of 2021 for the offence under Section 406 and 420 of IPC. Pursuant to the registration of the FIR, the vehicle has been seized and the same was deposited before the Judicial Magistrate No.I, Gobichettipalayam. Thereafter, the petitioner, being the complainant and also owner of the vehicle, filed an application to return the vehicle. However, it was dismissed on the ground that the petitioner is not the owner of the vehicle.

5. The learned counsel appearing for the petitioner would submit that already the ownership form was executed in favour of the petitioner. However, the name has not been changed so far due to COVID-19 pandemic circumstances. Further, there is no counter claim from any third party with respect to the said vehicle.

6. Admittedly, the vehicle was taken from the custody and possession of the petitioner. A perusal of the transfer of ownership form



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also confirmed the same. Therefore, no purpose would be served by allowing the vehicle to remain exposed to sunlight and rain, leading to its deterioration.

7. Considering the above facts and circumstances, the order dated 22.01.2022 passed in Crl.M.P.No.21 of 2022 by the Judicial Magistrate No.I, Gobichettipalayam and the order dated 29.02.2024 passed in Crl.R.P.No.55 of 2022 by the III Additional District and Sessions Judge, Erode, are hereby set aside. The Judicial Magistrate No.I, Gobichettipalayam, is directed to return the vehicle viz., Hyundai Verna Car bearing Registration No.TN-06-J3141 to the petitioner, forthwith on the following conditions:-

(i) the petitioner is directed to execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two solvency sureties each for the likesum to the satisfaction of the concerned Magistrate to the credit of Crime No.14 of 2021 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 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.

8. Accordingly, the Criminal Original Petition stands allowed.

15.04.2025

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

1.The Judicial Magistrate No.1,
Gobichettipalayam

2.The III-Additional District and Sessions Judge, Erode at
Gobichettipalayam.



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3.The Inspector of Police,
Gobichettipalayam Police Station,
Erode District.

4.The Public Prosecutor,
Madras High Court, Chennai.

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