

Crl.R.C.No.1720 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2025

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

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Elumalai

.... Petitioner

Vs.

State represented by
The Inspector of Police/
Officer-in-charge of Police Station
Kallakurichi Police Station
Kallakurichi.
(Crime No.331 of 2024)

.... Respondent

PRAYER: Criminal Revision Petition filed under Sections 438 r/w 442 of BNSS Act, 2023, praying to set aside the order passed in Crl.M.P.No.1090 of 2025 dated 30.04.2025 in Crime No.331 of 2024 passed by the learned Judicial Magistrate No.I, Kallakurichi and to release the petitioner's vehicle bearing Regn.No.TN-15-MF-4435, Yamaha R-15 Model Two Wheeler, Bluish White Colour, Chassis No.ME1RG67L4R0035040.

For Petitioner : Mr.C.Samivel

For Respondent : Dr.C.E.Pratap



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Government Advocate (Crl.Side)

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ORDER

This petition has been filed to set aside the order passed in Crl.M.P.No.1090 of 2025 dated 30.04.2025 in Crime No.331 of 2024 by the learned Judicial Magistrate No.I, Kallakurichi and to release the petitioner's vehicle bearing Regn.No.TN-15-MF-4435, Yamaha R-15 Model Two Wheeler, Bluish While Colour, Chassis No.ME1RG67L4R0035040.

2. The petitioner sought for return of vehicle which was said to be involved in offence under Section 304(A) of IPC. According to the petitioner, the vehicle was seized by the respondent police. Nearly about one year, it is in the custody of the police.

3. The learned counsel appearing for the petitioner submitted that the petitioner/A2 is the owner of a vehicle. There is no rash and negligent driving by A1. He further submitted that originally A1 had hit the auto and the auto hit the defacto complainant's father-in-law and the petitioner's son (A1) has not aware of the accident that the auto hit the victim and also he is having a valid driving license. Immediately the new vehicle was seized by the respondent



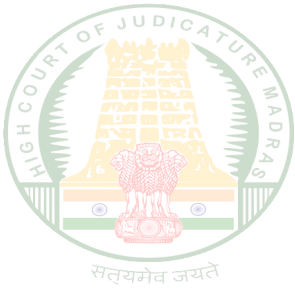
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police from the Regional Transport Office (RTO) and took the same in their custody. If the two wheeler is being kept in open air and sunlight, it would be valueless.

4. Per contra, the learned Government Advocate (Criminal.Side) appearing for the respondent raised serious objection for allowing this petition. He further submitted that the petitioner's son (A1) drove the vehicle in a rash and negligent manner and hence, the above two wheeler was seized.

5. Heard learned counsel appearing for the petitioner and learned Government Advocate (Criminal Side) appearing for the respondent and perused the materials available on record.

6. In view of the above discussions, this Court is inclined to return the vehicle to the petitioner and accordingly, the order passed in C.M.P.No.1090 of 2025 dated 30.04.2025 by the Judicial Magistrate No.I, Kallakurichi, is hereby set aside. The respondent police is directed to return Yamaha R-15 Model Two Wheeler, Bluish While Colour, Chassis No.ME1RG67L4R0035040 vehicle Regn.No.TN-15-MF-4435 to the petitioner, within a period of two weeks from the date of receipt of a copy of this order on the following conditions:-



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- (i) the petitioner shall produce the copy of the Registration Certificate of the vehicle before the respondent police;
- (ii) the petitioner shall file an undertaking affidavit that he will not alienate or make any alteration in the vehicle till the disposal of the case;
- (iii) the petitioner shall produce the vehicle before the Court and before the respondent police as and when required;
- (iv) if any of the conditions are violated, this order automatically stands cancelled.

7. With the above directions, this Criminal Revision Case is disposed of.

18.09.2025

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

dna



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To

1.The Judicial Magistrate No.I, Kallakurichi.

2.The Inspector of Police/
Officer-in-charge of Police Station
Kallakurichi Police Station
Kallakurichi.
(Crime No.331 of 2024)

3.The Public Prosecutor
High Court, Madras.



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T.V.THAMILSELVI, J.
dna

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