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CRL OP No. 23567 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-08-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 23567 of 2025

1. S.Gopalsamy

Permanent resident of Pillur Village at
D.No.2/260, South Street, presently
residing at D.No.3/109D, 1st Floor,
Palapatty Main Road, Kokkaraselliyur,
Thottipatty, Namakkal Taluk and
District

Petitioner

Vs

State of Tamilnadu,
rep by Sub Inspector of Police
Velur Police station
Cr.No.25 of 2024

Respondent

PRAYER: Criminal Original Petition filed u/s.528 of BNSS, 2023 to set aside the order of dismissal for default dated 02.07.2025 in CRP.No.1 of 2025 by the Principal District and Sessions Judge, Namakkal filed against the order dated 17.12.2024 in CrI.M.P.No.310 of 2024 by the Judicial Magistrate, Paramathi and consequently direct the Judicial Magistrate, Paramathi to return of the



white colour, Maruthi Suzuki Swift car bearing Regn. No.TN 15 Z 1666 and marked as case property No.128/2024 in Cr.No.25 of 2024 on the file of the Vellur Police Station,

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For Petitioner(s): Mr. N.A. Ravindran

For Respondent(s): Mr.R.Vinothraja, GA (crl.side)
Mr.Deepan Uday for defacto complainant

ORDER

This Criminal Original Petition is filed challenging the order passed by the learned Principal Sessions Judge, Namakkal in CRP.No.1 of 2025, whereby, the learned Principal Sessions Judge dismissed the Revision Petition for default for not taking steps to implead intervenor in the Revision.

2. It is submitted by the leaned counsel for the petitioner that the petitioner filed CrI.M.P.No.310 of 2024 before the Judicial Magistrate, Paramathi seeking return of Maruthi Suzuki Swift car bearing Regn. No.TN 15 Z 1666 marked as case property in C.P.No.128/2024 in connection with a case registered in Cr.No.25 of 2024 for the offences under sections 147, 148, 294(b), 323, 324, 506(ii) IPC on the file of the Velur Police Station. Vide order dated



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17.12.2024, the learned Judicial Magistrate dismissed the said petition in CMP.No.310 of 2024 by rejecting the petitioner's plea. Against the order of dismissal, the petitioner preferred CRP.No.1 of 2025 before the Principal District Judge, Namakkal, who, by order dated 02.07.2025, dismissed the revision on the ground that the petitioner has defaulted in not taking steps to implead the intervenor. Challenging the order passed by the trial court, the present Criminal Original Petition has been preferred.

3. Learned counsel for the petitioner submitted that the subject vehicle was seized in respect of the alleged occurrence took place on 07.02.2024 and thereafter, the vehicle was seized on 17.12.2024 and the same was produced before the Court and since then, it has been lying in the custody of the court. The learned Judicial Magistrate has denied interim custody of the vehicle mainly on the ground that in the event of the vehicle being released, the other accused will not appear and the police also will not be able to seize the other vehicle involved in the offence. The said approach of the Judicial Magistrate is not proper. He further submitted that continued detention of the vehicle in the



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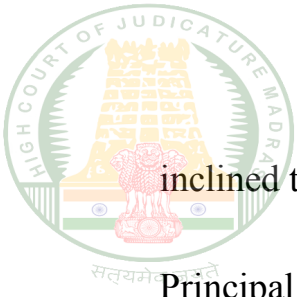
court is causing undue hardship and financial loss to the petitioner, especially when the vehicle is not a material object directly involved in the commission of the alleged offence. He further contended that the learned Principal District Judge dismissed CRP.No.1 of 2025 purely on technical grounds, without adjudicating the merits of the case.

4. Further, the learned counsel for the petitioner contended that no purpose will be served in keeping the vehicle under the custody of respondent police and if the vehicle is kept for a long time in the open space, it would cause damage to the vehicle.

5. Heard learned Govt. Advocate (crl.side) appearing for the respondent and the learned counsel appearing for the intervenor.

6. This court is of the view that in respect of other accused appearing before the Court, it is no way relevant to the vehicle kept in the custody of the accused. The vehicle has been kept under the custody of the court from 17.12.2024 and if the vehicle is kept in open space under vagaries of nature, the same would diminish its value and user capacity.

7 . Considering the above facts and circumstances of the case, this court is



inclined to release the vehicle. Accordingly the order passed by the learned

Principal District and Sessions Judge, Namakkal in CRP.No.1 of 2025 is hereby

set aside and the vehicle is ordered to be released to the petitioner on the

following conditions:

1. the petitioner shall execute necessary bond indicating before the trial court that he will not alienate or encumber the vehicle in any manner in future.

2. The vehicle shall be produced before the Judicial Magistrate, Paramathi, whenever required and RC book of the vehicle shall be deposited before the trial court.

8. With the above conditions, this Criminal Original Petition is ordered.

msr

28-08-2025

Index: Yes/No

Internet: Yes

To

1. The Sub Inspector of Police
Velur Police station
2. The Judicial Magistrate, Paramathi.
3. The Public Prosecutor, Madras High Court
4. The Principal District and Sessions Judge, Namakkal



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