



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-10-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 1947 of 2025

Vs

CRL RC No. 1947 of 2025

PRAYER

To set aside the order dated 28.04.2025, passed in Crl.M.P.No.3505/2025, on the file of the V-Metropolitan Magistrate Court at Egmore, Chennai.

CRL RC No. 1947 of 2025

ORDER

This petition has been filed to set aside the order dated 28.04.2025, passed in Crl.M.P.No.3505/2025, on the file of the V-Metropolitan Magistrate Court at Egmore,



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2. The defacto complainant has lodged a complaint before the respondent police stating that the petitioners have stolen paint from the defacto complainant's paint shop and sold it in the black market. Based on the complaint given by the defacto complainant the respondent police registered FIR in Crime No. 77 of 2025 for the offence punishable under Section 305 and 306 BNS, 2023. Pursuant to the registration of FIR in Crime No.77 of 2025, the respondent police seized the certain articles from the accused persons including bike bearing registration No. TN 11 BA 3929. The said articles were produced before the V Metropolitan Magistrate Court, Egmore, Chennai. Thereafter, the petitioner filed the CrI.MP No. 3505 of 2025 for return of articles and the respondent police contested the case by filing counter. After considering the oral and documentary evidence, the Court refused to return the bike and I- phone since there is no document produced on the side of the petitioner to prove the ownership. In respect of other articles the Court allowed the petition to return the articles.

3. The learned counsel for the petitioner submits that the Court below failed to take note of the respondents have stolen the materials of the petitioner intentionally and caused huge financial loss to the petitioner to the tune of Rs.65 lakhs, hence the impugned order of not granting the order of return of property of KTM bike bearing registration No. TN 11 BA 3929 and Apple I Phone is liable to be set aside. Further, the court failed to take note that the accused persons were worked under the petitioner, out of proceeds from the stolen properties they have purchased the above said articles. Hence, he prays to allow this petition.

4. Considering the submissions on either side, the case of of the prosecution is that the accused persons were stolen the properties worth about Rs.65 lakhs from the petitioner's paint company. Therefore, handing over the said bike and I-Phone to the petitioner would not cause any prejudice to the accused persons. Further the provision



under Section 451 of Cr.P.C./497(1) of BNSS provides for protection of the property from degradation due to non maintenance in the custody of the police as it takes long time for conclusion of criminal proceedings. The vehicle is in broad day light from the date of seizure and the trial has also been commenced and hence no useful purpose will be served in keeping the vehicles parked in the sunlight and rain.

5. Heard the submission of the learned counsel for the petitioner and the learned Government Advocate (Crl. Side).

6. In view of the above discussions, this Court is inclined to return the KTM bike bearing registration No. TN 11 BA 3929 and Apple I Phone to the petitioner and accordingly, the order dated 28.04.2025, passed in Crl.M.P.No.3505/2025 by the V-Metropolitan Magistrate Court at Egmore, Chennai., is partly set aside. The learned V-Metropolitan Magistrate Court at Egmore, Chennai, is directed to return KTM bike bearing registration No. TN 11 BA 3929 and Apple I Phone to the petitioner, forthwith on the following conditions:-

(i) the petitioner is directed to execute an own bond for a sum of Rs.1,00,000/- (Rupees One lakh only) to the satisfaction of the concerned Magistrate to the credit of Crime No.77 of 2025 pending on the file of the respondent police. Further, while handing over the phone, the Trial court is directed to remove the memory card and sim card from the Apple I-phone and the petitioner shall file an undertaking affidavit before the Court.

(ii) 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.

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

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

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

7. Accordingly, the Criminal Revision Case stands allowed.

Pbl

To

1. The V-Metropolitan Magistrate Court at Egmore, Chennai
2. The Section officer, V. R Section, High court, Madras.