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CRL.RC.No.1604 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL.RC.No.1604 of 2025

C.Rajkumar

Petitioner(s)

Vs

The Inspector of Police,
T-21, Kilambakkam Police Station,
Tambaram.
(Crime No.130/2025)

Respondent(s)

PRAYER

Criminal Revision Case filed under Section 438 and 442 of B.N.S.S., to set aside the order dated 06.08.2025 passed in Crl.M.P.No.1685/2025 on the file of the Judicial Magistrate-I, Tambaram and direct the Judicial Magistrate-I, Tambaram to return the Commercial vehicle Daimler India Commercial Vehicles Pvt Ltd, bearing Registration No.TN 21 BY 2209, Model Name. Bharatbenz 3128C 8x4 BS III, Chassis No.MEC2542BAHP037371, Engine No.400951D0037561, Yellow Colour, Confiscated in connection with Crime No.130/2025 on the file of the respondent herein and produce in C.P.No.246 of 2025 dated 24.07.2025.

For Petitioner(s): Mr.C.V. Kumar

For Respondent(s): Dr.C.E.Pratab
Government Advocate (Criminal Side)



ORDER

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This criminal revision case is filed to set aside the order dated 06.08.2025 passed in Crl.M.P.No.1685 of 2025 on the file of the Judicial Magistrate-I, Tambaram and direct the Judicial Magistrate-I, Tambaram to return the petitioner, vehicle bearing Registration No.TN 21 BY 2209.

2.The case of the prosecution is that the de-facto complainant viz., Mr.Sokkanadhan is doing transport business in Chengalpattu District. One of his Tipper Lorry bearing Registration No.TN 19 AZ 0230 was registered in RTO, Tambaram. It is ascertained that some persons by cloning the registration number of the above Tipper Lorry belongs to the de-facto complainant and put them on an identical vehicle and they started using around Virudhunagar District illegally. Due to traffic violations, fines were imposed on those alleged vehicle with forged number plates by Virudhunagar Police Officials. Since the de-facto complainant's vehicle registration number was cloned in the above vehicle, the fine which imposed got reflected on his vehicle. In consequence, 3 cases have been registered against the de-facto complainant's vehicle.



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3. Based on the above complaint, the respondent police after investigation registered FIR in Crime No.130 of 2025 for offence under Sections 318(2), 336(2), 350(2) of BNS. In pursuant to that, the respondent confiscated two vehicles of the petitioner in which one vehicle stands in the name of the petitioner's wife and the said vehicle was produced in C.P.No.246 of 2025 on 24.07.2025, and the same is in the custody of the Judicial Magistrate – I, Tambaram.

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

5. Even according to the case of the prosecution, the vehicle was found being operated with duplicate registration number plate and insurance policy had expired. 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.

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6.In view of the above discussions, this Court is inclined to return the vehicle to the petitioner and accordingly, the order passed in Crl.M.P.No.1685 of 2025 dated 06.08.2025 by the Judicial Magistrate No.I, Tambaram, is hereby set aside. The learned Judicial Magistrate No.I, Tambaram, is directed to return Bharatbenz bearing Registration No.TN 21 BY 2209 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.130 of 2025 pending on the file of the respondent police.

(ii) the petitioner shall deposit the original registration certificate of the vehicle with the concerned Magistrate.

(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) The petitioner shall renew the insurance policy within a period of four weeks.

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

7. Accordingly, the Criminal Revision Case is allowed.

02.09.2025

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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Issue: order copy on 04.09.2025



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T.V.THAMILSELVI, J.

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To

- 1.The Judicial Magistrate-I,
Tambaram.
- 2.The Inspector of Police,
T-21, Kilambakkam Police Station,
Tambaram.
(Crime No.130/2025)
- 3.The Public Prosecutor,
Madras High Court,
Chennai.

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