



Crl.R.C.No.7 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.7 of 2025

G.Venkataraj

... Petitioner/Petitioner/Owner of the vehicle

Vs.

The State

The Inspector of Police,
K8, Arumbakkam Police Station,
Chennai.

(Crime No.297 of 2022).

...Respondent/Respondent/Complainant

PRAYER: Criminal Revision Petition filed under Section 338 and 442 of Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order passed in Crl.M.P.No.8074 of 2023 on the file of the XXII Additional City Civil Court at Allikulam, Chennai – 600 003, dated 22.12.2023.

For Petitioner : Mr.C.Raja

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)



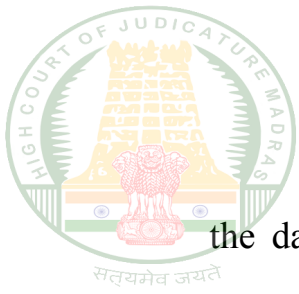
ORDER

WEB COPY The revision challenges the dismissal of the petitioner's application for return of his vehicle bearing Reg.No.TN-02-BV 8399.

2. The respondent had registered a case in Crime No.297 of 2022, against seven accused including the petitioner's relative who was arrayed as A4 for the offences under Sections 397 r/w 120(b), 342, 506(ii), 455, 328, 427, 395 r/w 201, 412 & 414 of IPC.

3. During the course of the investigation, the vehicle of the petitioner was seized since the same was used by A4/relative of the petitioner for the commission of alleged offence. The petitioner/owner of the vehicle filed a petition for return of the said vehicle, which was dismissed by the trial Court on the ground that the accused had committed grave offences and the vehicle used for the offence cannot be returned.

4. Mr.C.Raja, the learned counsel for the petitioner/owner of the vehicle, would submit that the vehicle is kept idle in the police station since

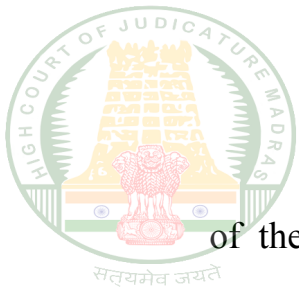


the date of the seizure i.e, 13.08.2022; and that the value of the vehicle would be diminished and if the vehicle is not returned, it would be reduced to a scrap; and that the petitioner is ready to comply with any condition that this Court may impose and prayed for return of the vehicle.

5. Mr.S.Udaya Kumar, the learned Government Advocate (Crl.Side) for the respondent, on instruction, would submit that the petitioner is not an accused in this case; that A4 who is related to the petitioner had used the vehicle; and that there are no previous cases against A4.

6. In the light of the above submissions, this Court is of the view that the vehicle cannot be kept idle at the police station and therefore, the petitioner being the owner of the vehicle, is entitled to interim custody.

7. Accordingly, this Criminal Revision Case is allowed and the impugned order dated 22.12.2023 passed by the learned XXII Additional Judge, XXII Additional City Civil Court at Allikulam, Chennai – 600 003, in Crl.M.P.No.8074 of 2023 in Crime No.297 of 2022 is set aside. In view



of the same, the respondent is directed to return the vehicle bearing its

Reg.No.TN-02-BV 8399 to the petitioner on the following conditions:

(i) The petitioner shall execute a personal bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties for a likesum to the satisfaction of the learned XXII Additional Judge, XXII Additional City Civil Court at Allikulam, Chennai – 600 003;

(ii) The petitioner shall produce the original RC Book along with a self-attested Photostat copy of the RC Book of the vehicle and other relevant records to prove his ownership. The learned XXII Additional Judge, XXII Additional City Civil Court at Allikulam, Chennai – 600 003, shall peruse the RC book and other records, retain a xerox copy of the same and return the original RC book to the petitioner;

(iii) The petitioner shall not alter or alienate the vehicle in any manner;

(iv) The petitioner shall also give an undertaking that he will produce the vehicle as and when required by the respondent and by the Court below.



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Crl.R.C.No.7 of 2025

(v) The return of property would be subject to the result of the confiscation proceedings, if any.

07.01.2025

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No

dk

Note: Issue Order copy by 08.01.2025.

To

1.The XXII Additional Judge,
XXII Additional City Civil Court at Allikulam,
Chennai – 600 003,

2.The Inspector of Police,
K8, Arumbakkam Police Station,
Chennai.

3.The Public Prosecutor,
High Court, Madras.



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CrI.R.C.No.7 of 2025

SUNDER MOHAN, J.
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07.01.2025