



Crl.R.C.No.2420 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.2420 of 2024

Ramachandran

... Petitioner/Petitioner

Vs.

The State

Rep. by the Inspector of Police,

Denkanikottai Police Station,

Hosur, Krishnagiri District.

(Cr.No.510 of 2021)

... Respondent/complainant

PRAYER: Criminal Revision Petition filed under Section 397 and 401 of Cr.P.C. to set aside the order dated 30.09.2024 passed in Crl.MP.No.343 of 2024 in SC No.58 of 2023 by the learned Additional District Judge, Hosur and consequently, direct the return of vehicle (Reg.No.KA 04 MG 4876 INNOVA Grey color) respectively.

For Petitioner : Mr.K.Hemanathan

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



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ORDER

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The Criminal Revision Case challenges the dismissal of the petitioner's petition in Crl.M.P.No.343 of 2024 in SC No.58 of 2023, for the return of his vehicle viz., INNOVA Grey-coloured car bearing Regn.No.KA 04 MG 4876, by the learned Additional District Judge, Hosur, vide order dated 30.09.2024.

2. A case in Crime No.510 of 2021 was registered by the respondent for the alleged offence under Sections 147, 148, 294(b) and 302 of the IPC on the allegation that the accused therein had a wordy quarrel with the deceased and pursuant to that, had stabbed the deceased with a knife and caused his death.

3. During the course of the investigation, the respondent had seized two grey-coloured Innova cars and the petitioner sought for the return of one of the cars, stating that his car was not used by the accused and has nothing to do with the offence and the prosecution had mistakenly seized two cars. The trial Court dismissed the said petition on the ground that the identity of the



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two cars has not been established and it is not clear as to which of the two cars belonged to the petitioner and therefore, only after the same is identified, the car can be returned.

4. The learned counsel for the petitioner would submit that the petitioner had produced the registration certificate which contains the chassis number and the insurance policy, which would establish the identity of the car; that there is no difficulty in identifying the same; and that the learned Judge ought to have returned the car.

5. The learned Government Advocate (Crl. Side) *per contra* submitted that an enquiry was conducted by the respondent and there is an enquiry report as to which car belongs to the petitioner.

6. Considered the rival submissions made by the learned counsel on either side and perused the materials available on record.



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7. Admittedly, the petitioner is not an accused and his car was not involved in the alleged offence. Therefore, this Court is of the view that the matter can be remitted to the learned Judge to consider the enquiry report of the respondent and also to give an opportunity to the petitioner to establish the identity of his car and thereafter, return the car to the petitioner, as the car cannot be kept idle in the police station for a long time and its value cannot be allowed to be diminished as held by the Hon'ble Supreme Court.

8. With the above observations, the Criminal Revision Case is disposed of. The order dated 30.09.2024 passed in Crl.MP.No.343 of 2024 in SC No.58 of 2023, by the learned Additional District Judge, is set aside. The respondent shall also file the enquiry report. The learned Judge, shall consider the enquiry report of the respondent and after affording an opportunity of hearing to the petitioner, shall dispose of the petitioner's petition for return of vehicle, within a period of four weeks from the date of receipt of a copy of this order.

31.01.2025



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Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
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Note: Issue Order copy by .02.2025.



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SUNDER MOHAN, J.

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To

- 1.The Additional District Judge,
Hosur.
- 2.The Inspector of Police,
Denkanikottai Police Station,
Hosur, Krishnagiri District.
- 3.The Public Prosecutor,
High Court, Madras.

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