



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31-10-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 2192 of 2025

KRISHNAMOORTHY

S/o.Kuppusamy,

South Thillainayagapuram, Ammapettai

Village, Usuppur, Cuddalore District.

Petitioner(s)

Vs

The State of Tamil Nadu Rep by, The

Inspector of Police,

CBCID Cuddalore Police Station,

Cuddalore District.

Cr.No.1/2024.

Respondent(s)

PRAYER

To set aside the order passed by the Chief Judicial Magistrate, Cuddalore in
Crl.M.P.No.6897/2025 dated 06.06.2025

For Petitioner(s): Mr. S.Esakkimuthu

For Respondent(s): Dr.C.E.Pratap,
Govt. Advocate (Crl. Side)



ORDER

WEB COPY This Criminal Revision Case has been filed challenging the order dated 06.06.2025 passed in Crl.M.P.No.6897 of 2025 by the learned Chief Judicial Magistrate, Cuddalore District, thereby dismissing the petition filed for return of vehicle, viz., Auto Registration No.TN-31-AR-8556 (Bajaj Auto).

2. The case of the prosecution is that, on 18.06.2024, based on the information from the defacto complainant stating that on the instructions of accused Osthiraja, the other accused Peterlingam used the petition mentioned auto to recover the related documents, fake certificates and printers, which are used to print fake certificates and handed over the same to one Mr.Arunprasath. Hence, a case has been registered in Crime No.1 of 2024 for the offences under Sections 120B, 201, 420, 465, 468, 472, 471 r/w 511 of I.P.C.. Pursuant to the registration of the FIR, the vehicle involved was seized and produced before the Chief Judicial Magistrate, Cuddalore.

3. The learned counsel appearing for the petitioner would submit that the petitioner is not an accused and he is owner of Auto. Hence, he prayed for return of his vehicle, but the trial judge dismissed the petition holding that the alleged vehicle involved in the offence committed by the driver of vehicle, the Auto was used for moving of fake certificates involved in Crime No.1 of 2024



and the case is investigation stage. Aggrieved that order, he preferred this Criminal Revision Case. He also submitted that the petitioner is ready and willing to abide by any conditions that may be imposed by this Court for the release of the vehicle.

4. The learned Additional Public Prosecutor would submit that the F.I.R. in Crime No.1 of 2024 was lodged against the accused Peterlingam, who carried out the fake certificates, however, petitioner is not an accused in this case and the vehicle in question was involved in an offence to move the fake certificates in Crime No.1 of 2024. Hence, he objected to return of the vehicle.

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

6. On seeing the facts, it reveals that the petitioner is the owner of vehicle, due to his health condition, he rented his auto and from the income of auto, he is eking out his livelihood. Admittedly, the petitioner is not an accused in that case and he is a third party, but the vehicle was said to be used by one Peterlingam for the offence to move the fake certificates without his knowledge. However, now the respondent police seized auto as it is involved in the crime and the vehicle in question was involved in an offence under Sec.120B, 201, 420, 465, 468, 472, 471 r/w 511 of I.P.C. 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.

7. Considering the facts and circumstances of the case, this Court is inclined to order return of the vehicle to the petitioner and accordingly, the order dated 06.06.2025 passed in CrI.M.P.No.6897 of 2025 on the file of the Chief Judicial Magistrate, Cuddalore, is hereby set aside. The learned Chief Judicial Magistrate, Cuddalore, is directed to return the Auto bearing Registration No.TN-31-AR-8556 (Bajaj Auto) to the petitioner, forthwith on the following conditions:-

(i) the petitioner is directed to execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the concerned Magistrate to the credit of Crime No.1 of 2024 pending on the file of the respondent police.

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



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

8. Accordingly, the Criminal Revision Case stands allowed.

31-10-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Chief Judicial Magistrate, Cuddalore.

2. The Inspector of Police,
CBCID Cuddalore Police Station, Cuddalore District.

3. The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI J.

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