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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.10.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

Crl.R.C.No.2194 of 2025

Sathish Kumar

...Petitioner

Versus

State rep. by
The Inspector of Police,
Maraimalai Nagar Police Station,
Chengalpattu District.
(P.I.No.132 of 2025)

...Respondent

This Criminal Revision Case is filed under Section 483 r/w. 442 of BNSS, 2023 praying to set aside the order dated 01.08.2025 made in Crl.M.P.No.2114 of 2025 on the file of the learned Judicial Magistrate No.II, Chengalpattu and consequently, return the property, “Honda Activa DLX Motor Cycle bearing Registration No.TN 63 BT 5296, Engine Number: JK15EW7015769 and Chassis Number: ME4JK158GRW015705 by allowing the above Criminal Revision Petition.



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For Petitioner : Ms.T.Divya
For Respondent : Dr.C.E.Pratap,
Government Advocate (Crl.Side)

ORDER

This Civil Revision Case has been filed by the petitioner seeking to set aside the Order dated 01.08.2025 in Crl.M.P.No.2114 of 2025 on the file of the learned Judicial Magistrate No.II, Chengalpattu and consequently, return the property, “Honda Activa DLX Motor Cycle bearing Registration No.TN 63 BT 5296, Engine Number: JK15EW7015769 and Chassis Number: ME4JK158GRW015705 to petitioner.

2. The brief facts of the case are that the petitioner is the owner of vehicle, Honda Activa DLX Motor Cycle bearing Registration No.TN 63 BT 5296, Engine Number: JK15EW7015769 and Chassis Number: ME4JK158GRW015705. The petitioner's friend was arrayed as Accused No.1 in the case registered by the respondent Police in Crime No.56 of 2025 for the alleged offences under Section 103(1) and 238(a) of BNSS, 2023. On



09.03.2025, petitioner's vehicle was seized by the respondent Police in connection with the case in Crime No.56 of 2025. Therefore, petitioner filed a petition in CrI.M.P.No.2114 of 2025 before the Court of learned Judicial Magistrate No.II, Chengalpattu, seeking to hand over the seized vehicle to him as interim custody. However, the learned Judicial Magistrate No.II, Chengalpattu vide Order dated 01.08.2025, dismissed the said petition for the reason that if the case property is returned to the petitioner, petitioner may alienate/dispose the same and may involve in similar sort of offence. Aggrieved by the said order, petitioner has filed the present Criminal Revision Case for the relief stated *supra*.

3. The learned counsel for petitioner submitted that petitioner's friend is Accused No.1 in Crime No.56 of 2025 on the file of respondent Police, but, petitioner is not an accused in the said case. However, the respondent Police has seized the petitioner's vehicle in connection with the said case. He further submitted that from the date of seizure, the seized vehicle has been kept in sunlight and rain. If the seized vehicle is kept idle by exposing it to rain and shine, its value would be certainly deteriorated. Therefore, the



learned counsel prayed that appropriate direction may be issued to the respondent Police to return the seized vehicle to petitioner.

4. On the other hand, the learned Government Advocate (Crl.Side) appearing on behalf of respondent Police submitted that at the time of arrest of main accused, the Investigation Officer has seized the petitioner's vehicle from accused under the cover of Mahazar. He further submitted that though petitioner is not an accused, the said vehicle was used for commission of alleged offence. Therefore, the learned Judicial Magistrate No.II, Chengalpattu has rightly dismissed Crl.M.P.No.2114 of 2025 filed by the petitioner.

5. Heard the learned counsel for petitioner and the learned Government Advocate (Crl.Side) appearing for respondent Police.

6. The facts on record reveals that petitioner is the owner of vehicle, Honda Activa DLX Motor Cycle bearing Registration No.TN 63 BT 5296, Engine Number: JK15EW7015769 and Chassis Number:



ME4JK158GRW015705. The petitioner's friend is Accused No.1 in the case in Crime No.56 of 2025 on the file of respondent Police and the petitioner is not an accused in the said case. However, it is alleged that the petitioner's vehicle was seized from the accused.

7. Considering the facts and circumstances of the case and taking note of the provision under Section 451 of Cr.P.C and Section 497(1) of BNSS, 2023 which deal with the proper custody of property involved in criminal proceedings, this Court is inclined to set aside the impugned order and to issue appropriate direction to the respondent Police to return the seized vehicle to petitioner.

8. Accordingly, Order dated 01.08.2025 in CrI.M.P.No.2114 of 2025 on the file of the learned Judicial Magistrate No.II, Chengalpattu is set aside and the respondent Police is directed to return the seized vehicle, Honda Activa DLX Motor Cycle bearing Registration No.TN 63 BT 5296, Engine Number: JK15EW7015769 and Chassis Number: ME4JK158GRW015705 to petitioner subject to the following conditions:



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(i) The petitioner shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the concerned learned Magistrate to the credit of Crime No.56 of 2025 pending on the file of respondent Police.

(ii) The petitioner shall deposit the original RC Book of the vehicle with the concerned learned Magistrate.

(iii) The concerned learned Magistrate shall not hand over the original RC Book of the vehicle to the petitioner till the completion of trial.

(iv) The seized vehicle should be photographed at the cost of petitioner and a list has to be prepared and the same has to be signed by the petitioner.

(v) The petitioner shall not alienate and shall not make any alteration in the said vehicle.

(vi) The petitioner shall produce the vehicle before the Court and also, before the respondent Police, as and when required.

(vii) If any of the above conditions are violated, this order shall stand automatically cancelled.



WEB COPY 9. This Criminal Revision Case shall stand allowed on the above terms.

30.10.2025

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Index: Yes/No

Speaking Order (or) Non-Speaking Order

To

- 1.The Judicial Magistrate No.II,
Chengalpattu.
- 2.The Inspector of Police,
Maraimalai Nagar Police Station,
Chengalpattu District.
- 3.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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