



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2025

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.R.C.No.2251 of 2025 and
Crl.M.P.No.20564 of 2025

Anguraj

... Petitioner

Vs.

1. Narendranath (Surendranath Kuptha)

2. Inspector of Police,
Tiruppur South Police Station,
Tiruppur City
Cr.No.61 of 2024

... Respondents

PRAYER : This petition is filed under Section 438 r/w 442 of B.N.S Act to call for the records and set aside the order dated 10.10.2025 in E.C.M.P.No. 2633 of 2025 passed by the Judicial Magistrate No.II, Tiruppur and pass orders.

For Petitioner : Mr.. P. Thinesh

For Respondent : Dr.C.E.Pratap,
Government Advocate



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ORDER

This Criminal Revision Case has been filed to call for the records and set aside the order dated 10.10.2025 in E.C.M.P.No. 2633 of 2025 passed by the Judicial Magistrate No.II, Tiruppur and pass orders.

2. The facts of the case is that the petitioner is the defacto complainant in this case and he has lodged a complaint before the second respondent stating that the first respondent along with the other co-accused had impersonated as officers from ED department and thereby had cheated a sum of Rs.1,88,45,000/-. Pursuant to which the second respondent police had confiscated the offence involved properties of the first respondent/accused such as vehicle bearing Reg.No.TN 69 BS 5559 (Thar LX P At 4Wd 4S Ct car) and the mobile Phone (Samsung Galaxy A53 5G) and the same was deposited before the Judicial Magistrate No.II, Tiruppur in the above Crime No.61 of 2024. Thereafter, the first respondent/accused had filed an application for return of property before the Judicial Magistrate No.II, Tiruppur in E.C.M.P.No.2633 of 2025 and the same was allowed on 10.10.2025 to return the property to the first respondent/accused. Challenging the same the petitioner has come up with this petition.



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3. The learned counsel for the petitioner submits that the vehicle stands as a vital piece of evidence for the case and the releasing the same to the accused will affect the investigation. He would further submit that the first respondent had purchased the said property from the amount which was stolen from the petitioner.

4. The learned counsel for the first respondent submits that he is the owner of the above properties which has been seized by the respondent and as the vehicle is kept in idle for long time, they will get damaged and there will be of no use. Due to which the learned Judge has rightly considered the said aspect and released the vehicle. Hence, prays to allow this petition.

5. The learned Government Advocate appearing for the second respondent submits that they have seized the vehicle in question and deposited in the Court below. He further submits that if this Court is inclined to modify the impugned order and handing over the vehicle to the petitioner an affidavit of undertaking may be filed.

6. Heard both sides and perused the materials available on record.



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7. On a perusal of records it is found that the vehicle in question is required for the purpose of investigation and it stands as a vital piece of evidence in this case. It is also seen that the petitioner has also interest over the vehicle in question as his money was cheated. Hence, to put a quietus to this issue, this Court is inclined to direct the learned Judge to hand over the vehicle to the petitioner/defacto complainant on filing an undertaking affidavit that the petitioner should produce the vehicle as and when required by the respondent police or the Judicial Magistrate concerned till the final disposal of the case. It is also made clear that the petitioner/defacto complainant shall produce the vehicle as and when before the Court below if the learned Judge directs to do so. With regard to the cell phone the learned Judge is directed to decide whether to retain the phone or hand over to the first respondent according to the stage of investigation.

8. For the foregoing reasons the order passed by the Judicial Magistrate No.II, Tiruppur on 10.10.2025 in E.C.M.P.No. 2633 of 2025 is set aside and this this Criminal Revision is allowed. Consequently the connected miscellaneous petition is closed.

04.11.2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Inspector of Police,
Tiruppur South Police Station,
Tiruppur City

2. The Judicial Magistrate No.II, Tiruppur



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T.V.THAMILSELVI, J.

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