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CRL RC No. 2495 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-11-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 2495 of 2025

Nadanam
S/o. Ganapathy,
1/40, Thillai Nagar,
Chidamabram-608001.

Petitioner(s)

Vs

The State rep by The Inspector of
Police
Periyanaickenpalayam Police Station,
Coimbatore. Crime No.1075/2021.

Respondent(s)

CRL RC No. 2495 of 2025

PRAYER

To set aside the order passed by the learned Judicial Magistrate No.V,
Coimbatore in C.M.P.No.8029/2025 in Crime No.1075/2021 dated 28.08.2025.

For Petitioner(s): Ms. A.Jagadeeswari

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

ORDER

This Criminal Revision Case has been filed challenging the order dated
28.08.2025 passed in Crl.M.P.No.8029 of 2025 by the learned Judicial
Magistrate No.V, Coimbatore, thereby dismissing the petition filed for return of



vehicle, viz., Tata ACE HT Facelift bearing Registration No.TN-31-BU-1488.

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2. The case of the prosecution is that, based on an information, the respondent police proceeded to the scene of occurrence and found that there was a theft of supporting angles from a mobile tower. Hence, a case has been registered in Crime No.1075 of 2021 for the offences under Sections 381 of I.P.C. Pursuant to the registration of the FIR, the vehicle involved was seized and produced before the Judicial Magistrate No.V, Coimbatore.

3. The learned counsel appearing for the petitioner would submit that he is the owner of vehicle and sought for return of vehicle, which was involved in the alleged theft of supporting angles from a mobile tower. He would submit that while handing over interim custody, he was directed to produce RC book and the same was already deposited. Now, he wanted to sell the vehicle, for which the RC book is necessary and he had sought for return of vehicle, but the trial court dismissed the petition holding that only interim custody was granted, so he was directed to hand over the RC book. 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 government Advocate (Crl. Side) would submit that the vehicle in question was involved in an offence under 381 of I.P.C.. Hence, he objected for return of the vehicle.

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



6. Even according to the case of the prosecution, the petitioner is the owner of vehicle and the vehicle in question was involved in an offence under Sec.381 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. On seeing the fact, it reveals that the petitioner is the owner of vehicle and not involved in the alleged theft of removing spare parts from the cellphone tower. Without his knowledge, the vehicle was taken on that day by the alleged accused, but he was not the accused nor vehicle was involved in the alleged theft. So, considering the nature of theft made by the accused, the vehicle is no way connected with the offence, the handing over of vehicle would not cause any prejudice. Therefore, this Court is inclined to order return of the vehicle to the petitioner and accordingly, the order dated 28.08.2025 passed in Crl.M.P.No.8029 of 2025 on the file of the Judicial Magistrate No.V, Coimbatore, is hereby set aside. The learned Judicial Magistrate No.V, Coimbatore, is directed to return the Tata ACE HT Facelift bearing Registration No.TN-31-BU-1488 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.1075 of 2021 pending on the file of the respondent police.

(ii) the petitioner shall deposit the original registration



certificate of the vehicle with the concerned Magistrate.

(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.

21-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Judicial Magistrate No.V, Coimbatore.

2. The Inspector of Police, Periyanaickenpalayam Police Station, Coimbatore.

3. The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI J.

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