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Crl.R.C.No.2748 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2025

CORAM:

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.R.C.No.2748 of 2025

Kumar

...Petitioner

-Vs-

The State Rep. By
The Inspector of Police,
Palacode Police Station,
Dharmapuri District.
Crime No.264 of 2025

...Respondent

PRAYER: Criminal Revision Petition is filed under Sections 438 & 422 of BNSS, praying to set aside the order made in Crl.M.P.No.846 of 2025 dated 13.11.2025 passed by the learned Judicial Magistrate, Palacode, and to direct the respondent police to release the petitioner's vehicle namely Ashok Leyland Lorry.

For Petitioner : Mr.K.Karthikeyan

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



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ORDER

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The revision petition challenges the dismissal of the petitioner's application filed under Section 497 of BNSS Act, seeking interim custody of lorry bearing registration No.TN 88 U 6399.

2. It is the case of the respondent that the petitioner's vehicle was used by two accused for transporting the body of the deceased, who was done to death by the said accused; and that, during the course of investigation in Crime No.264 of 2025, registered for the offences under Sections 103(1) read with 61(2) of the Bharatiya Nyaya Sanhita, 2023, the petitioner's lorry bearing Registration No. TN-88-U-6399 was seized by the respondent police.

3. The petitioner sought return of the said vehicle. The learned Magistrate dismissed the petition on the ground that the investigation is yet to be completed; and that, if the vehicle is returned at this stage, there is a likelihood of the petitioner altering or changing the vehicle, which may affect the course of investigation.

4. The learned counsel for the petitioner would submit that the petitioner is not an accused in the case; that the accused are the drivers of the petitioner's vehicle; that the said drivers had misused the vehicle without the



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knowledge or consent of the petitioner; that if the vehicle is not returned, the petitioner would be put to irreparable loss; and that the petitioner is willing to comply with any stringent conditions that may be imposed by this Court for return of the vehicle.

5. The learned Government Advocate (Crl. Side), per contra, submitted that the petitioner is not an accused; that the drivers of the petitioner's vehicle were involved in transporting the body of the deceased; and that the investigation is still pending.

6. The petitioner is not an accused in the case. The petitioner's vehicle is lying idle at the police station and is subjected to the vagaries of the weather. Hence, this Court is inclined to grant interim custody of the vehicle.

7. Accordingly, this Criminal Revision Case is allowed; the impugned order dated 13.11.2025 made in Crl.M.P.No.846 of 2025 on the file of the learned Judicial Magistrate, Palacode, is set aside and the vehicle bearing Registration No.TN 88 U 6399 shall be returned to the petitioner, subject to the following conditions:



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SUNDER MOHAN, J.

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(i) The petitioner shall execute a personal bond for a sum of Rs.5,00,000/- (Rupees Five Lakh Only) with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate, Palacode;

(ii) The petitioner shall produce the original RC Book along with a self-attested Photostat copy of the RC Book of the vehicle and other relevant records to prove his ownership. The learned Judicial Magistrate, Palacode, shall peruse the RC book and other records, retain a xerox copy of the same and return the original RC book to the petitioner;

(iii) The petitioner shall not alter or alienate the vehicle in any manner;

(iv) The petitioner shall also give an undertaking that he will produce the vehicle as and when required by the respondent and by the Court below.

(v) The return of property would be subject to the result of the confiscation proceedings.

15.12.2025

cda

To

1.The Judicial Magistrate, Palacode.

2.The Inspector of Police,
Palacode Police Station,
Dharmapuri District.

3.The Public Prosecutor,
High Court, Madras.

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