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CRL RC No. 204 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-02-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL RC No. 204 of 2026

Poornesh K.B
S/o.Balasundaram,
No.182, Thiruvalluvar Nagar,
Ondipudur, Coimbatore South - 641016.

..Petitioner(s)

Vs

1. State represented by its
Inspector of Police,
CCD-1, Delta-4,
Central Crime Police Station, Chennai City,
(CCD-1 Crime NO.31/2025)
2. Kishore
S/o.Gopinath,
No.49, Vaidhyaraman Street,
T.Nagar, Chennai - 600 017.

..Respondent(s)

Criminal Revision filed under Section 438 and 442 of BNSS, praying to set aside the order passed in CrI.M.P.No.11425/2025 dated 25/11/2025 by the Learned XI Metropolitan Magistrate, Saidapet, Chennai and may be pleased to return the Petitioners MG Hecter Car bearing Registration No.TN 85 S 0999 seized from the Petitioner in CCD-1 Crime No.31/2025 on the file of the Respondent Police and pass such further or other orders as this Honble Court.



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For Petitioner(s):

H.MANIVANNAN

For Respondent(s):

MR.R.VINOTHRAJA
GOVERNMENT ADVOCATE
(CRIMINAL SIDE)
FOR R1

ORDER

The revision petition challenges the dismissal of the petitioner's application in Crl.M.P.No.11425 of 2025 dated 25.11.2025, seeking interim custody of the petitioner's car bearing registration No.TN 85 S 0999, which was seized during the course of investigation in Cr.No.31 of 2025, registered for the offence under Sections 318(4) r/w Section 61 of BNS and Section 66D of IT (A) Act.

2. It is the case of the prosecution that the defacto complainant was deceived by A1, and a sum of Rs.2.67 Crores was transferred from her account to the account of certain third parties; and that the petitioner had assisted A1 in collecting the bank account details of various persons, to whose accounts the defrauded amount was transferred.

3. The petitioner had sought for return of the car, which came to be dismissed by the Trial Court on the ground that there is a possibility of the petitioner alienating the property and that, since the petitioner had purchased the



car from the proceeds of crime, the property cannot be returned to him.

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4. The learned counsel for the petitioner would submit that, even according to the prosecution, the petitioner had not wrongfully gained from the alleged transaction; that in any case, the car was not purchased from the proceeds of crime and since it is lying idle at the police station and the petitioner is the registered owner of the vehicle, the interim custody of the car may be handed over to him on any stringent conditions.

5. Heard the learned counsel for the petitioner as well as the learned Government Advocate (Crl.Side) appearing for the first respondent and perused the counter affidavit filed by the first respondent.

6. It is seen from the counter affidavit that the only allegation against the petitioner is that he had purchased the car from the proceeds of crime and that the vehicle was seized on the ground that there is a possibility of the petitioner alienating the same. Admittedly, the car is neither a stolen property and nor does it create any suspicion of commission of any offence. Hence, the respondent ought not to have invoked Section 106 of BNS. However, if it is the case of the first respondent that the petitioner had purchased the car out of the



proceeds of crime, they are at liberty to invoke Section 107 of BNS.

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7. The vehicle is kept idle in an open place in the police station since 25.11.2025 and subjected to vagaries of the weather. In such circumstances, this Court is of the view that the petitioner would be the proper person entitled to interim custody and the vehicle can be returned to him on stringent conditions.

8. Accordingly, this Criminal Revision Case is allowed and the impugned order dated 25.11.2025 made in CrI.M.P.No.11425 of 2025 on the file of the learned XI Metropolitan Magistrate Court, Saidapet, Chennai, is set aside. In view of the same, the first respondent is directed to return the vehicle to the petitioner on the following conditions -

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

(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 Magistrate, shall peruse the RC book and other records, retain a Xerox copy of the same and return the original RC book to the petitioner;



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(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 first respondent and by the Court below.

17-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

ANU

To

1. Inspector of Police,
CCD-1, Delta-4,
Central Crime Police Station, Chennai City,
(CCD-1 Crime NO.31/2025)
2. The XI Metropolitan Magistrate, Saidapet,
Chennai



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CRL RC No. 204 of 2



SUNDER MOHAN, J.

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17-02-2026