



WEB COPY

CRL RC No. 231 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 03-02-2026**

CORAM

**THE HON'BLE MR.JUSTICE SUNDER MOHAN**

**Crl.R.C.No.231 of 2026**

Muthukumaran

..Petitioner(s)

Vs

The State Represented by

Inspector of Police,

Otteri Police Station,

P.I.No.580/2025

Chengalpet.

..Respondent(s)

**Prayer:** This criminal revision case has been filed under Sections 438 and 442 of BBSS seeking to set aside the order passed in Crl.MP.No.2942 of 2025 in Cr.No.635 of 2025 dated 04.12.2025 on the file of learned Judicial Magistrate No.II, Chengalpet.

For Petitioner(s): Mr.T.K.S.Gandhi

For Respondent(s): Mr.P.Vinoth Raja

Government Advocate (Crl.Side)

### **ORDER**

This revision case challenges the dismissal of petitioner's application seeking return of his lorry bearing Regn.No.TN 11 AY 2741.



2. The petitioner is the accused in Cr.No.635 of 2025 registered for the offences under Section 303(2) of BNS and Section 21 (1) of M&M (D&R) Act.

The allegation is that the petitioner had transported stones without any valid licence. During the course of the investigation, the said vehicle was seized.

3. During the course of investigation, the four-wheeler belonging to the petitioner, namely Bharat Benz Lorry bearing Registration No.Regno.TN 11 AY 2741, was seized on 29.10.2025. The petitioner sought return of the vehicle. The learned Magistrate dismissed the petition vide order dated 04.12.2025 on the ground that the petitioner allegedly used the vehicle for commission of offence and if it is released, he would commit offences of similar nature in future.

4. The learned counsel for the petitioner submits that the vehicle has been lying idle in an open place in the police station ever since its seizure, resulting in continuous deterioration and loss of value, and if not released, it would be reduced to scrap. He further submitted that no confiscation proceedings have, in fact, been initiated; that the petitioner, being the owner, is entitled to interim custody; and that he is willing to comply with any conditions imposed by this Court.

5. The learned Government Advocate (Crl. Side), on instructions, submits



that the vehicle is presently secured in the police station; that it is not required for the purpose of investigation any longer; that no confiscation proceedings have been initiated till date; and that there are no previous criminal cases pending against the petitioner.

6. In the light of the above submissions, this Court is of the view that the vehicle cannot be kept idle in an open space and its value cannot be allowed to be diminished as held by the Hon'ble Supreme Court. The petitioner is the owner of the vehicle and therefore, he is the proper person entitled to the interim custody of the vehicle.

7. Accordingly, this Criminal Revision Case is allowed and the impugned order dated 04.12.2025 made in Crl.M.P.No.2942 of 2025 in Crime No.635 of 2025 on the file of the learned Judicial Magistrate No.II, Chengalpet, is set aside. In view of the same, the respondent is directed to return the vehicle viz., Bharat Benz Lorry, bearing Regn.No. TN 11 AY 2741 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 Judicial Magistrate No.II, Chengalpet;

(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 District Judicial Magistrate No.II, Chengalpet, 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.

**03-02-2026**

Neutral Citation: Yes/No

rap



To

1. The Inspector of Police,  
Otteri Police Station,

P.I.No.580/2025

Chengalpet.

2. The Judicial Magistrate No.II, Chengalpet.

3. The Public Prosecutor,  
High Court, Madras.



WEB COPY

CRL RC No. 231 of 2



**SUNDER MOHAN, J.**

rap

**CRL RC No. 231 of 2026**

**03-02-2026**