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CRL RC No. 640 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL RC No. 640 of 2026

Devath Raju
S/o.Devath Ramulu,
No.2-138, Thukkuguda, Maheshwaramm,
VTC and Po Mankhal,
K.V.RangaReddy, Telengana.

..Petitioner(s)

Vs

The State Represented by
The Inspector of Police,
Cyber Crime Wing,
Tambaram City Police,
Tambaram, Chengalpattu District.

..Respondent(s)

Criminal Revision Case filed under Sections 438 r/w 442 of the BNSS, 2023, praying to set aside the order dated 19.11.2025 passed in CrI.M.P.No.2465 of 2025 in Crime No.106/2024 by the Learned Judicial Magistrate-I at Tambaram, Chengalpattu District and consequently direct interim custody of the vehicle MG Hector PE 1.5 DCT Sharp Car, bearing Registration No.OD 02 BJ 2223 seized by the respondent police in Crime No.106/2024 to be released to the Petitioner herein and pass such other or further orders as this Honble Court may deem fit and proper in the facts and circumstances of the case and thus render justice.

For Petitioner(s):

Mr.P.B.Logesh
for Mr.A.Ashwinkumar

For Respondent(s):

Mr.R.Kishore Kumar,
Govt.Advocate (Crl Side)



ORDER

The revision challenges the dismissal of the petitioner's application seeking return of his vehicle, viz., MG Hector PE 1.5 DCT Sharp Car bearing Reg.No.OD 02 BJ 2223, which was seized during the course of investigation in Crime No.106 of 2024, registered for the offences under Sections 61(2), 318(4), 336(2), 338 and 340(2) of the Bharatiya Nyaya Sanhita, 2023, and Sections 66C and 66D of the Information Technology (Amendment) Act, 2008.

2. It is the case of the prosecution that the petitioner's son was arrayed as A2 and cheated a sum of Rs.22 lakhs from various persons through online fraud.

3. During the course of investigation, the petitioner's vehicle, which was used by the accused, was seized. The petitioner sought return of the vehicle, which came to be dismissed by the impugned order.

4. The learned counsel for the petitioner would submit that the petitioner is not an accused; that he is the owner of the vehicle and that the same ought not to have been treated as proceeds of crime without there being substantial grounds. He further submitted that the property is lying idle in the police



station. Therefore, he is entitled to interim custody of the vehicle on any stringent conditions.

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5. The learned Government Advocate (Crl. Side) appearing for the respondent police confirmed that the petitioner is not an accused in this case and that he is the owner of the vehicle. However, he submitted that the vehicle is a proceeds of crime and that the learned Magistrate dismissed the application on the ground that the vehicle is required for trial as well as for confiscation proceedings. He further submitted that the petitioner's son had cheated a sum of Rs.2 lakhs and that the vehicle was purchased out of the proceeds of crime.

6. At this juncture, it is appropriate to refer to the judgment of the Hon'ble Supreme Court of India in *Bishwajit Dey Vs. The State of Assam* reported in **(2025) 3 SCC 241**, where the Hon'ble Supreme Court of India held that the mere risk of misuse of the vehicle by a third party, by itself, is not sufficient to take coercive action of refusing the prayer, as the fear or suspicion is only a hypothetical situation. Apart from that, if the vehicle is not released, there is every possibility that it will be wasted to the vagaries of the weather. Further, its value will also reduce. Contrarily, putting the vehicle for beneficial utility and to earn livelihood and to use the vehicle for the benefit of the society at large, could be achieved by granting interim custody of the vehicle. Further,



the process of crime could only be dealt under Section 107 of BNSS.

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7. Considering the above facts and circumstances of the case, and in view of the fact that the petitioner is the owner of the vehicle and not an accused, and that valuable property should not be allowed to deteriorate, this Court is inclined to grant interim custody of the vehicle to the petitioner, subject to the result of the confiscation proceedings, on the following conditions:

(i) The petitioner shall execute a personal bond for a sum of Rs.3,00,000/- (Rupees Three Lakh Only) with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate No.I, Tambaram, Chengalpattu District.

(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 No.I, Tambaram, Chengalpattu District, 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 till the disposal of the case in Crime No.40 of 2025;

(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 and the proceedings if any initiated under Section 107 of BNSS.

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8. Accordingly, this Criminal Revision Case stands allowed.

22-04-2026

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

To

- 1.The Judicial Magistrate No.I,
Tambaram, Chengalpattu District.
- 2.The Inspector of Police,
Cyber Crime Wing,
Tambaram City Police,
Tambaram, Chengalpattu District.
- 3.The Public Prosecutor,
High Court of Madras.



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