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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL RC No. 666 of 2026

Sridhar

..Petitioner(s)

Vs

State Rep. by
Inspector of Police/
Station House Officer,
Kallakurichi Police Station,
Kallakurichi.
Crime No.24/2025

..Respondent(s)

Criminal Revision Case has been filed under Section 438 read with Section 442 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to set aside the Order in Crl.M.P.No.292 of 2025 in C.C.No.829/2025 dated 24.02.2025 passed by the Learned Judicial Magistrate No.I, Kallakurichi and to release the petitioner's vehicle bearing Regn.No.TN 32 X 2845 Tractor with Tipper Y-Green Colour and to allow the above Criminal Revision Case.

For Petitioner(s):

Mr.C.Samivel

For Respondent(s):

Mr.R.Kishore Kumar
Government Advocate (Criminal Side)

**ORDER**

This Criminal Revision Case has been filed challenging the dismissal of the petitioner's application for the return of his vehicle, viz., a Tractor and Trailer bearing Registration No. TN 32 X 2845. The vehicle was seized during the investigation of Crime No.24 of 2025, registered for offences under Sections 281, 121(a), and 106(1) of the Bharatiya Nyaya Sanhita (BNS), 2023.

2. According to the prosecution, the defacto complainant, accompanied by his wife and son, was involved in a road accident while returning from a temple. It is alleged that a private bus (Sri Krishna, Reg. No. TN 31 CJ 5775), driven by one Raj Kumar in a rash and negligent manner, first struck their vehicle, causing them to fall. Immediately thereafter, a tractor (Reg. No. TN 32 X 2845), driven by Santhosh Kumar, struck the defacto complainant's wife. She sustained grievous injuries and tragically passed away while undergoing treatment at the hospital. During the investigation, it was found that the revision petitioner is the owner of the Tractor and it was seized by the Motor Vehicle Inspector.

3. The learned counsel for the petitioner would submit that primary cause of the accident was the rash and negligent overtaking by the private bus. It is argued that when the complainants fell onto the road, the tractor driver,



following behind, lost control due to the sudden nature of the event. The learned counsel further submitted that while the Motor Vehicle Inspector (MVI) has inspected the vehicle and submitted a report to both the police and the learned Judicial Magistrate No.1, Kallakurichi. Thereafter, the revision petitioner took out an application before the Judicial Magistrate No.1, Kallakurichi, in Crl MP No.292 of 2025 for the release of vehicle. However, the Court dismissed the said application. Hence, the petitioner filed the present criminal revision case.

4. The learned Government Advocate (Criminal Side) appearing on behalf of the respondent Police would submit that the learned Judicial Magistrate dismissed the application on the grounds that the vehicle was not produced through Form-95 or a seizure warrant. He would further submit that as the vehicle was handed over directly to the Motor Vehicle Inspector for inspection and not officially produced before the Court, and the Magistrate held that interim custody could not be granted.

5. At this juncture, the learned counsel for the petitioner brings to the notice of this Court that the police have withheld the release of the vehicle primarily because the tractor has not yet been formally registered with the concerned Regional Transport Office (RTO).



6. However, it is pertinent to note that Section 207 of the Motor Vehicles Act, 1988, empowers the relevant authorities to seize and detain vehicles driven without proper registration or permits. Specifically, **Section 207(2)** provides a remedial measure, stating that where a vehicle has been so detained, the owner may move an application before the Transport Authority or the prescribed officer. On such application, the authority, after verifying the necessary documents and ensuring compliance with registration requirements, may release the vehicle subject to such conditions as deemed fit.

7. In the present case, since the primary impediment to the release of the tractor is the lack of formal registration, the statutory remedy under Section 207 (2) is the appropriate course of action for the petitioner.

8. In light of the above, and in accordance with Section 207(2) of the Motor Vehicles Act, 1988, the petitioner is permitted to approach the relevant RTO to complete the registration of the vehicle by submitting the necessary documents. After registration of the vehicle, the petitioner is at liberty to approach the concerned forum for the release of the property.



9. In result, the Civil Revision Case is disposed of in the above terms.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

1.The Judicial Magistrate No.I, Kallakurichi.

2.The Inspector of Police/Station House Officer,
Kallakurichi Police Station, Kallakurichi.

3.The Public Prosecutor, High Court of Madras, Chennai.



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C.KUMARAPPAN, J.

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