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CRL RC No. 639 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL RC No. 639 of 2026

R.Santhosham
S/o.Ramakrishnan,
No.23-B, Thubavanam Arunachalam Street,
Kanchipuram Town and District.

..Petitioner(s)

Vs

State Represented by
Inspector of Police,
Kundadam Police Station,
Tirupur District.

..Respondent(s)

Criminal Revision Case filed under Section 438 r/w 442 of BNSS Act, praying to set aside the order dated 21.01.2026 made in Crl.M.P.No.389 of 2025 in Cr.No.40 of 2025 on the file of the learned Judicial Magistrate, Dharapuram, and to order for return of the Car Vehicle No.TN21 BC 0011 to the custody of the petitioner and thus render justice.

For Petitioner(s): M/s.Y.Jyothish Chander

For Respondent(s): Mr.R.Kishore Kumar,
Government Advocate (Crl.Side)



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ORDER

The revision challenges the dismissal of the petitioner's application seeking return of his vehicle viz., Toyoto Etios bearing Reg.No.TN-21-BC-0011, which was seized during the course of investigation in Crime No.40 of 2025 registered for the offences under Sections 296(b), 191(3), 118(1), 109, 351(3), 61(2), 49 of BNS.

2. It is the case of the prosecution that one Ravikumar, a resident of Saligramam, Chennai, by promising to arrange a bank loan, cheated the petitioner and took away the vehicle bearing Registration No.TN 21 BC 0011 Toyota Etios along with its registration certificate and a sum of Rs.20,00,000/-. In connection with Crime No.40 of 2025, the said vehicle was seized by the police.

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



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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 therefore he is entitled for interim custody of the vehicle on any stringent conditions.

5. The learned Government Advocate (Crl. Side) for the respondent police confirmed the fact that the petitioner is not an accused in this case and that he is the owner of the vehicle, and that confiscation proceedings have been initiated.

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



7. Accordingly, considering the above facts and circumstances of the case, and that the petitioner being the owner of the vehicle and not an accused, 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.50,000/- (Rupees Fifty Thousand Only) with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate, Dharapuram;

(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, Dharapuram, 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;



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(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.

8. Accordingly, this Criminal Revision Case stands allowed.

13-03-2026

cda

To

1.The Inspector of Police,
Kundadam Police Station,
Tirupur District.

2.The Public Prosecutor,
High Court of Madras.



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