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CRL OP No. 10916 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-04-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 10916 of 2026

Amalorpavam Francis Jerald

..Petitioner(s)

Vs

The State represented by
The Inspector of Police,
Vellore Taluk Police Station,
Vellore District.
Crime No.353 of 2024

..Respondent(s)

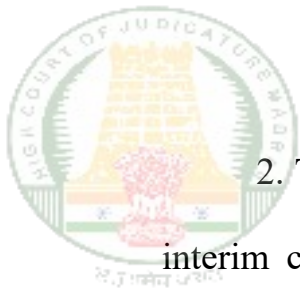
To set aside the impugned orders in CrI.R.P.No.15 of 2025 dated 08.10.2025 on the file of Hon'ble Principal Sessions Judge, Vellore and CrI.M.P.No.6594 of 2025 dated 30.06.2025 on the file of Hon'ble Judicial Magistrate No.I, Vellore and consequently direct the respondent police to return the petitioner's vehicle Maruti Suzuki Ertiga bearing Registration No.TN 70 AR 8073 to the petitioner.

For Petitioner(s): Mr.Arun G

For Respondent(s): Mr.Leonard Arul Joseph Selvam,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking a direction to the respondent police to return the petitioner's Maruti Suzuki Ertiga Car bearing Registration No.TN 70 AR 8073.



2. The petitioner, being the owner of the said Car, filed a petition seeking interim custody of the vehicle in CMP.No.6594 of 2025 before the Judicial Magistrate No.I, Vellore. By order dated, 30.01.2025, the same was dismissed on the ground that investigation in Crime No.353 of 2024 was still pending. Aggrieved by the same, the petitioner preferred a revision before the Principal Sessions Judge, Vellore in Crl.R.P.No.15 of 2025. By order dated 08.10.2025, the Sessions Judge dismissed the petition on the ground that the investigation was pending and the vehicle had been used in the kidnapping of a new born baby. Challenging the same, the present petition has been filed.

3. The learned counsel for the petitioner submitted that the petitioner is not an accused in this case. The petitioner's Car was used by one of the accused in this case for kidnapping and hence, it was seized in Crime No.353 of 2024. He further submitted that the Hon'ble Apex Court in *Sunderbhai Ambalal Desai and others vs. State of Gujarath* categorically held that vehicles should not be detained endlessly and it would lead to rusting of the vehicle and deterioration in value. The Apex Court also given a specific direction that after the preparation of mahazar and taking photographs, the vehicle should be returned to the owner.

4. In this case, the petitioner admittedly not an accused and the investigation has been completed. Therefore, the vehicle may be returned to the



petitioner and he undertakes to produce the vehicle as and when directed by the Trial Court.

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5. The learned Additional Public Prosecutor submitted that the present case in Crime No.353 of 2024 was registered against the accused for kidnapping a newborn child. They were arrested and remanded to judicial custody. The petitioner is the mother-in-law of one of the accused and not an accused in this case. The investigation has now been completed and a charge sheet has been filed before the Judicial Magistrate No.I, Vellore and taken on file as C.P.No.53 of 2025. The petitioner's Car bearing Registration No.TN 70 AR 8073 has been seized as case property and is lying in an open yard for nearly one year.

6. Considering the above submissions and following the judgment of the Apex Court (*referred to supra*), the impugned order dated 08.10.2025 in Crl.R.P.No.15 of 2025 and order dated 30.06.2025 in Crl.M.P.No.6594 of 2025, are set aside. The Trial Court is directed to return the Maruti Suzuki Ertiga Car bearing Registration No.TN 70 AR 8073 to the petitioner subject to the following conditions:

(i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Vellore.



(ii) The petitioner shall produce the original and a photostat copy of registration certificate. The Court shall return the original and retain the photostat copy.

(iii) The petitioner shall not alter or alienate the vehicle in any manner till adjudication is over.

(iv) The petitioner shall give an undertaking that the vehicle will not be used for any illegal activities in future and also produce the vehicle as and when required by the respondent Police and by the Court below and as well as by the District Collector of the District or authorized officer in that behalf by the Government.

7. With the above directions, this Criminal Original Petition is allowed.

29-04-2026

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



To

1. The Principal Sessions Judge, Vellore

2. The Judicial Magistrate No.I, Vellore

3. The Inspector of Police,
Vellore Taluk Police Station,
Vellore District.
Crime No.35/2024

4. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

PVS

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29-04-2026