



Crl.R.C.No.28 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.28 of 2026

S.Saravanan

...Petitioner

Vs.

The State of Tamilnadu rep by
Inspector of Police,
Kundrathur Police Station,
Cr.No.203/2024
Kancheepuram District.

...Respondent

Prayer: Criminal Revision case filed under Section 438 r/w Section 442 of BNSS, to set aside the orders passed in Crl.M.P.No.847/2025 (CNR.No.TNKP1C-2025) on the file of the learned Magistrate, Sriperumbudur dated 03.06.2025 and direct the respondent to return the custody of the Scorpio Car Vehicle bearing Reg.No.TN-24-BH-0005 and is the owner of Honda Activa 6G Two Wheeler vehicle bearing Reg.No.TN-24-AV-8801 to the petitioner herein.

For Petitioner : Mr.V.Vijayashankar
For Respondent : Mr.R.Vinothraja,
Government Advocate (Crl. Side)



Crl.R.C.No.28 of 2026

ORDER

WEB COPY

The Revision challenges the dismissal of the petitioner's application seeking return of his car and two wheeler, which was seized during the course of investigation.

2.It is the case of the prosecution that the accused in Crime No.203 of 2024, registered for the offences under Sections 342, 364, 147, 148, 302, 201 & 120B IPC had used the car bearing registration No.TN 24 BH 0005 and a two wheeler bearing registration No.TN 24 AV 8802 for the purpose of kidnapping the deceased and thereafter, transporting the body of the deceased and hence, the vehicles were seized on 07.05.2024. The petitioner, who is not an accused in the case had sought for the return of the vehicles and the same was dismissed by the learned Magistrate on the ground that the vehicles were used for the commission of the offences of kidnapping of the deceased and therefore, the vehicles cannot be returned.

3.The learned counsel for the petitioner would submit that admittedly the petitioner is not an accused; that the vehicles are subjected to vagaries of the weather for the past 1 ½ years and if the vehicles are allowed to remain



idle, the value would be diminished and since the petitioner is the owner, the interim custody of the vehicle may be handed over to the petitioner.

4.The learned Government Advocate(Crl. Side) *per contra* submitted that though the petitioner, as of now, is not an accused, the vehicles were used by his relatives, who are accused of the commission of the offences and therefore, the order impugned does not suffer from any infirmity.

5.Since the petitioner is not an accused and the vehicles are remaining idle in the custody of the police station, subjected to vagaries of the weather and the further detention of the vehicle is not required for the purpose of investigation, this Court is inclined to direct that the interim custody of the vehicles may be handed over to the petitioner 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 Magistrate, Sriperumbudur;

(ii) The petitioner shall produce the original RC Book along with a self-attested Photostat copy of the RC Book of the vehicles and other relevant records to prove his ownership. The learned Magistrate, Sriperumbudur, shall peruse the RC book and other records, retain a xerox copy



WEB COPY



Crl.R.C.No.28 of 2026

SUNDER MOHAN.J.,

Tsg

of the same and return the original RC book to the petitioner;

(iii) The petitioner shall not alter or alienate the vehicles in any manner;

(iv) The petitioner shall also give an undertaking that he will produce the vehicles 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, if any.

09.01.2026

Tsg

Index : Yes/No

Speaking order : Yes/No

To

1.The Judicial Magistrate, Sriperumbudur

2.The Inspector of Police,
Kundrathur Police Station,
Cr.No.203/2024
Kancheepuram District.

Crl.R.C.No.28 of 2026