

**IN THE COURT OF THE PRINCIPAL JUDGE,
CITY CIVIL COURT AT CHENNAI**

**Present: Thiru S. Karthikeyan, M.A., M.L., M.Sc., P.G.D.C.F.Sc., P.G.D.D.F.,
Principal Sessions Judge**

Tuesday, the 30th day of June, 2026

Criminal RC.No. 55/2026

against

CrI.MP.No. 2110 / 2026

in

Crime No. 10 / 2023

(on the file of the XI Metropolitan Magistrate / XI Judicial Magistrate, Chennai)

Milton John Mathew

... Petitioner/ Appellant

-Vs-

The State Rep.by
Deputy Superintendent of Police,
State Cyber Crime Investigation centre,
Cyber Crime Wing, Headquarters,
Ashok Nagar, Chennai.

... Respondent/Complainant

This Criminal Revision petition came up before this court on 15.06.2026 for final hearing in the presence of M/s.G. Mohanakrishnan, S.Balaji, S.Janarthanam, B.I.Heymanth, P.Harsha Vardhini, the counsel for the petitioner and of the learned CPP for respondent and upon hearing both sides and upon perusing the case-records and having stood over for consideration till this date, this court delivered the following :-

ORDER

This revision is directed against the order passed by the learned XI Metropolitan Magistrate/XI Judicial Magistrate, Saidapet, Chennai in CrI.M.P.No.2110/2026 dated 14.05.2026.

2. The circumstances, which lead to file the present revision, are as follows:

Based on the complaint given by one Dr. Venkata Ramaiya Thrimishetty, the respondent police has registered FIR in Crime No. 10/2023 for the offences punishable u/s. 420 of IPC and Sec. 43(1), 56 of IT Act. In this connection, the petitioner was arrested and three vehicles bearing Reg.No. TN-13-AB-2219, TN-13-Y-2219, TN-13-AD-2219 were seized. The petitioner has approached the learned XI Metropolitan Magistrate seeking for return of those vehicles, which was dismissed by the learned Magistrate by its order dated 14.05.2026.

3. Aggrieved by the said order, the revision petitioner has filed the present petition before this court on the following grounds:

i. The Learned Magistrate court has overlooked the fact that Section 497 r/w 503 of the BNSS (corresponding to Section 451 r/w 457 of the erstwhile Cr.PC) empowers the Magistrate to make such an order as it thinks fit for the proper custody of the seized property. The power to return property to its rightful owner on an interim basis is well-settled and does not require conclusion of trial.

ii. The Learned Magistrate failed to apply the correct legal test, namely:

(a) whether the Petitioner is the rightful owner;

(b) whether continued custody by police serves any legitimate investigative purpose; and

(c) whether the property is likely to depreciate. These questions were neither posed nor answered in the impugned order

iii. *The Learned Magistrate court had overlooked the Judgement of the Hon'ble Supreme Court in Sunderbhai Ambalal Desai v. State of Gujarat, (2002) 10 SCC 283 and the consistent decisions of the Madras High Court wherein it has been held that retaining vehicles indefinitely without purpose causes immense prejudice to the owner and courts must return such properties on supradar (surety basis) at the earliest. The Learned Magistrate failed to consider these binding precedents.*

iv. *The Learned Magistrate has failed to consider that there is no material evidence to show that the 3 vehicles in custody of the respondent was bought by the Petitioner out of wrongly gains, this creates suspicions that the court has speculated matter without properly examining the evidences and circumstances surrounding the case and has unnecessarily induced these vehicles to be considered as properties of the alleged crime.*

v. *The Learned Magistrate had failed to appreciate the Judgement of the Apex Court in Criminal Appeal No.87 of 2025 in Bishwajit Dey Vs The State of Assam in which the Apex court has held as follows:-*

"34. This Court is also of the view that if the Vehicle in the present case is allowed to be kept in the custody of police till the trial is over, it will serve no purpose. This Court takes judicial notice that vehicles in police custody are stored in the open. Consequently, if the vehicle is not released during the trial, it will be wasted and suffering the rigors of the weather, its value will only reduce. On the Contrary, if the Vehicle in question is released, it would be beneficial to the owner (who would be able to earn his livelihood), to the bank /financier(who would be repaid the loan disbursed by it) and to the society at large (as an additional vehicle would be available for transportation of goods).

vi. *The Learned Magistrate had failed to appreciate that the gravity of the allegations in Crime No.10/2023 relates to crypto-currency transactions, Terareum LLC tokens, Tera Token Creation Wallet, Terareum Deployer Wallet and Tera2 Wallet operations, as well as alleged conversion of approximately Rs.38 Crores through Coin DCX exchange via ICICI Bank Account No.190101504654 between 06.01.2022 and 04.05.2022. The three motor vehicles have absolutely no nexus to these digital/financial transactions. Seizing and retaining vehicles serves no investigative purpose whatsoever in a cyber-crime and crypto-currency fraud case.*

vii. *The Learned Magistrate failed to appreciate that the First Information Report does not contain any allegation, reference, or mention whatsoever regarding the three vehicles presently in custody. The absence of any such averment clearly demonstrates that the investigating agency itself did not attribute any role to the said vehicles in connection with the alleged offence. The said vehicles were never employed as instruments, tools, or means for the commission of the alleged offence. In the absence of any allegation or evidence demonstrating their involvement in the occurrence of the alleged transaction, the continued retention of the vehicles is unwarranted and unsupported by law. The Respondent has not placed any material on record to show that the vehicles are required for evidence or for any investigative purpose and therefore the order Leaned Magistrate is unsustainable.*

viii. *The release and return of the said vehicles would in no manner prejudice or impede the ongoing trial or investigation, as the vehicles are not connected with the alleged offence and their custody is not required for the purpose of adjudication of the Case.*

It is therefore prayed to call for the records relating to the order dated 14.05.2026 passed by the Learned XI Metropolitan Magistrate/XI Judicial Magistrate, Saidapet, Chennai, in Crl.M.P. No. 2110 of 2026 and set aside the same as being erroneous, unsustalnable in law, and contrary to the facts and circumstances of the case; and direct the Respondent to hand over interim custody of the vehicles bearing Reg.No. TN 13 AB 2219, TN 13 Y 2219 and TN 13 AD 2219 to the petitioner.

4. In this revision, notice was issued to the respondent police. Respondent was represented by the CPP. Trial Courts records are called for and perused. Both side heard.

5. Point for determination:

Whether the Cars seized from the custody of the petitioner is ordered to be returned or not?

6. ANSWER:

6.1. This Court has given its thoughtful consideration to the rival submissions put forth by either side. On careful perusal of records, it is found that the petitioner is arrayed as an Accused in Crime No.10/2023 on the file of the Deputy Superintendent of Police, State Cyber Crime Investigation Centre, Cyber Crime Wing, Ashok Nagar, Chennai. The allegations against the petitioner is that the petitioner got acquainted with the defacto complainant, Dr. Venkata Ramanaiah Dharimisetty, through a crypto-currency community with the name of Saitachain in January 2022. He had proposed a business deal of 25% shares of Terareum and 500 Trillion of terareum tokens in return of 25000 USD which is equivalent to Rs. 22 Lakhs. On inducement made by the petitioner, the defacto complainant had invested a sum of Rs. 22 Lakhs in Terareum LLC. The value of the company through crypto had grown up multiple times to the tune of Rs. 100 crores and the defacto complainant corresponding shares of 25 % has grown to Rs. 25 crore. While so, the petitioner has closed the business without the knowledge of the defacto complainant and cheated him. Based on the complaint given by the defacto complainant, FIR has been registered against the petitioner.

6.2. In this connection, the petitioner filed anticipatory bail before the Hon'ble High Court of Madras in CrI.OP.No. 25005/2024 and obtained bail. On 22.01.2026, the police has searched the residential premises of petitioner and seized the following Cars.

1. Jaguar Land Rover Car bearing Reg.No. TN-13-AB-2219
2. Mercedes-Benz Car bearing Reg.No. TN-13-Y-2219
3. Kia India Car bearing Reg.No. TN-13-AD-2219

6.3. According to the respondent, the above cars are proceeds of crime and they are liable to be confiscated. On careful perusal of records and written submissions by the respondent, it is found that there is no confiscation proceedings initiated yet. The learned Magistrate has declined the custody of the said vehicles only on the grounds that they are proceeds of crime and there are steps being taken to inform Enforcement Directorate.

6.4. The Hon'ble Apex Court in a case of *Sunderbhai Ambalal Desai v. State of Gujarat* reported in (2002) 10 SCC 283 held that the properties recovered during the course of investigation, shall be handed over to the interim custody at the earliest to avoid waste of materials. In the interim custody of the vehicle need not be kept in the police station exposed to the sun and rain. If the vehicle is not properly maintained then it will be reduced scrap as apprehended by the learned counsel for the petitioner. No useful purpose would be served by keeping these vehicles either in the custody of the police or in the custody of the court. It is well settled position of law, that an Accused is presumed to be innocent until his guilt is proved. As stated supra, neither the investigation agency nor the ED has initiated the proceedings for confiscation or attachment of the said property.

6.5. Therefore, as per the decision of the Hon'ble Apex Court in ***Sunderbhai Ambalal Desai vs State Of Gujarat***, the alleged Cars can be returned to the petitioner herein with certain conditions.

7. Accordingly, the order of the learned Metropolitan Magistrate in CrI.M.P.No.2110/2026 dated 14.05.2026 is set aside, the learned Metropolitan Magistrate is directed to hand over interim custody of the Cars to the petitioner on the following conditions:

- i) that the petitioner shall execute a bond for **Rs.5,00,000/- each car** (Five Lakh only) along with two sureties each for a like sum to the satisfaction of the Magistrate concerned;
- ii) that the petitioner shall take photographs of the said Cars disclosing its features and submit the same before the learned Metropolitan Magistrate;
- iii) that the petitioner shall not alienate or alter the said vehicle in any manner till the disposal of the trial.
- iv) that the petitioner shall produce the said Vehicle as and when required by the Court;

Dictated to Stenographer, transcribed by him, corrected and pronounced by me in the open Court, this the 30th day of June, 2026.

**Principal Sessions Judge.
Chennai**