

**IN THE COURT OF THE I – ADDITIONAL DISTRICT AND SESSIONS
JUDGE, TIRUVALLUR**

**PRESENT: TMT. S. TASNEEM, M.L.,
I-Additional District and Sessions Judge, Tiruvallur**

Tuesday, this the 04th Day of August – 2026

***CRIMINAL MISCELLANEOUS PETITION NO.2799 of 2026
in***

SESSIONS CASE NO. 21 of 2024

(On the file of Maduravoyal Police Station, Tiruvallur District)

Hemavathy, F/Aged 33 years,
D/o. Muthu,
No. 3rd Colony, 2nd Street,
Pukkathurai, Kancheepuram

...Petitioner/Owner

-//Vs//-

State Represented by,
The Inspector of Police,
Maduravoyal Police Station,
Tiruvallur District
(Crime No:-147 of 2025)

...Respondent/Complainant

Counsel for Petitioner :- Thiru. P. Ajith [MS.No. 6196 of 2021]

ORDER

***The petitioner has filed the present petition seeking return of her
YAMAHA MOTOR INDIA LTD. (SOLA WITH PILLION COLOUR) bearing
Registration No. TN19V4753, Chassis No. MB121C0J1E2023767 and Engine
No. 21CJ023798.***

2. PETITION IN BRIEF: -

2.1. The petitioner submits that the respondent Police had seized the above vehicle in connection with the above case. The petitioner further submits that the bike was registered in the RTO and that she has not committed the said offence. According to the petitioner, her bike was taken from her home and the respondent had foisted the false case against her.

2.2. It is the specific case of the petitioner that she is the absolute owner of the property sought to be returned. The petitioner is neither an accused nor a suspect in the above crime and has no manner of connection with the alleged offence. The petitioner further states that she is only a third party and that the property belonging to her was seized during the course of investigation.

2.3. The petitioner further submits that the continued retention of the said property is causing serious hardship to her. Therefore, it is necessary that this Hon'ble Court may be pleased to order the return of the said property to the petitioner.

2.4. The petitioner has further undertaken to produce the vehicle as and when directed by this Hon'ble Court and undertakes to comply with any condition that may be imposed by this Hon'ble Court. The petitioner has enclosed the copy of her Aadhaar Card and the Registration Book of the bike.

2.5. Hence, the petitioner has prayed that this Hon'ble Court may be pleased to return the YAMAHA MOTOR INDIA LTD. (SOLA WITH PILLION COLOUR) bearing Chassis No. MB121C0J1E2023767, Registration No. TN19V4753 and Engine No. 21CJ023798 to her on any condition in S.C. No.21 of 2024 and thus render justice.

3. REPLY FILED BY THE ADDITIONAL PUBLIC PROSECUTOR:-

3.1. The learned Additional Public Prosecutor filed a detailed counter strongly opposing the petition. It is submitted that the vehicle sought to be returned was used in the commission of the offence and constitutes a material object in the present Sessions Case.

3.2. It is further submitted that, if the vehicle is returned to the petitioner at this stage, there is every likelihood that the accused may again indulge in similar offences by using the very same vehicle. The prosecution has specifically contended that *the accused is a habitual offender and is involved in seven previous criminal cases of similar nature*. Therefore, the possibility of recurrence of similar offences cannot be ruled out.

3.3. The learned Additional Public Prosecutor further contended that, considering the criminal antecedents of the accused and the nature of the allegations, release of the vehicle would adversely affect the prosecution case and is not warranted at this stage.

3.4. Hence, the learned Additional Public Prosecutor prayed that the petition for return of the vehicle be dismissed.

4. POINT FOR CONSIDERATION:-

4.1. Whether the petitioner has established that she is entitled to the interim custody/return of the seized Yamaha Motor India Ltd. (Sola with Pillion Colour) Motor Cycle bearing Registration No. TN 19 V 4753, Chassis No. MB121C0J1E2023767 and Engine No. 21CJ023798, in S.C. No.21 of 2024, pending disposal of the case, on such terms and conditions as this Court deems fit?

5. DISCUSSION:-

5.1. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent. The records have been carefully perused.

5.2. The petitioner has sought interim return of the Yamaha Motor India Ltd. (Sola with Pillion Colour) Motor Cycle bearing Registration No. TN 19 V 4753, Chassis No. MB121C0J1E2023767 and Engine No. 21CJ023798 on the ground that she is the registered owner of the said vehicle. In support of her claim, she has produced the Registration Certificate and a copy of her Aadhaar Card. The documents produced prima facie establish that the petitioner is the registered owner of the vehicle.

5.3. It is pertinent to note that the petitioner is not arrayed as an accused in S.C.No. 21 of 2024. There is also no material placed before this Court to show that she had any role in the commission of the alleged offence or that she had knowingly permitted the vehicle to be used for the commission of the crime. Thus, the petitioner stands as a third party owner seeking interim custody of her property.

5.4. The learned Additional Public Prosecutor opposed the petition mainly on the ground that the vehicle was used in the commission of the offence and that the accused is involved in seven previous criminal cases of similar nature. It is further contended that if the vehicle is released, there is every possibility of the accused again using the same for committing similar offences. While the apprehension expressed by the prosecution deserves due consideration, the same alone cannot be a sufficient ground to deny interim custody to a registered owner who is not an accused in the case. The prosecution has not placed any material before this Court to show that the petitioner herself was involved in the alleged offence or had knowledge of the alleged illegal use of the vehicle.

5.5. The object of Section 451 of the Code of Criminal Procedure is to ensure proper custody of the property pending trial and to prevent unnecessary deterioration of valuable properties. *In Sunderbhai Ambalal Desai ..vs.. State of Gujarat, (2002) 10 SCC 283, the Hon'ble Supreme Court held that seized*

vehicles should not be kept in police custody for a long period and that Criminal Courts should ordinarily release such vehicles to the person entitled to possession by imposing appropriate safeguards. The said principle was reiterated in *General Insurance Council ..vs.. State of Andhra Pradesh, (2010) 6 SCC 768*, wherein the Hon'ble Supreme Court observed that *valuable vehicles should not be permitted to remain exposed to the vagaries of weather and directed Criminal Courts to pass appropriate orders for interim custody after ensuring proper identification of the vehicle.*

5.6. In the present case, the ownership of the petitioner has been prima facie established. The identity of the vehicle can be preserved by recording the Registration Number, Chassis Number and Engine Number and by taking photographs before release. The apprehension expressed by the prosecution can also be adequately safeguarded by imposing stringent conditions. Therefore, no useful purpose would be served by allowing the vehicle to remain in the Court or Police custody, where it would only depreciate in value and become unserviceable.

5.7. Considering the facts and circumstances of the case, the materials placed before this Court, the settled principles of law laid down by the Hon'ble Supreme Court, and balancing the rights of the petitioner with the interest of the prosecution, this Court is of the considered view that the

petitioner has made out sufficient grounds for grant of interim custody of the vehicle.

6. FINDINGS:-

6.1. In view of the foregoing discussion, this Court finds that the petitioner has prima facie established her ownership over the Yamaha Motor India Ltd. (Sola with Pillion Colour) Motor Cycle bearing Registration No. TN19V4753, Chassis No. MB121C0J1E2023767 and Engine No.21CJ023798 by producing the relevant Registration Certificate. It is also evident from the records that the petitioner is not arrayed as an accused in S.C. No.21 of 2024 and is only a third-party owner claiming interim custody of the vehicle.

6.2. Though the prosecution has opposed the petition on the ground that the vehicle was used in the commission of the offence and that the accused is involved in several previous criminal cases, such objection, in the absence of any material implicating the petitioner in the alleged offence, cannot by itself constitute a valid ground to deny interim custody. The apprehension of the prosecution can be sufficiently safeguarded by imposing appropriate conditions to ensure production of the vehicle during the course of trial.

6.3. This Court is of the considered opinion that continued retention of the vehicle in the custody of the Court or the Police would serve no useful purpose and would only result in deterioration of its condition and depreciation of its value. *The principles laid down by the Hon'ble Supreme Court in*

Sunderbhai Ambalal Desai ..vs.. State of Gujarat, (2002) 10 SCC 283, and General Insurance Council ..vs.. State of Andhra Pradesh, (2010) 6 SCC 768, squarely apply to the facts of the present case. Accordingly, the interest of justice would be adequately protected by releasing the vehicle to the petitioner subject to stringent conditions.

6.4. Accordingly, this Court holds that the petitioner has established sufficient grounds for grant of interim custody of the Yamaha Motor India Ltd. (Sola with Pillion Colour) Motor Cycle bearing Registration No. TN19V4753, Chassis No. MB121C0J1E2023767 and Engine No.21CJ023798. The point for consideration is answered in favour of the petitioner, and the petition is liable to be allowed.

7. IN THE RESULT: -

7.1. This Criminal Miscellaneous Petition is allowed.

7.2. Accordingly, the Yamaha Motor India Ltd. (Sola with Pillion Colour) Motor Cycle bearing Registration No. TN 19 V 4753, Chassis No. MB121C0J1E2023767 and Engine No. 21CJ023798 is ordered to be returned to the petitioner, subject to the following conditions:

1. The petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two solvent sureties each for a like sum to the satisfaction of this Court.

2. *The petitioner shall produce the original Registration Certificate and establish her identity before this Court.*

3. *Before releasing the vehicle, the Investigating Officer shall take colour photographs of the vehicle from all angles showing the Registration Number, Chassis Number and Engine Number, and the photographs shall be preserved as part of the case records.*

4. *The petitioner shall not sell, transfer, mortgage, alienate, or create any third-party interest over the vehicle without obtaining prior permission of this Court until the disposal of S.C. No.21 of 2024.*

5. *The petitioner shall not alter the Registration Number, Chassis Number, Engine Number, colour, or any identifying feature of the vehicle.*

6. *The petitioner shall produce the vehicle before this Court or before the Investigating Officer as and when directed during the pendency of the proceedings.*

7. *In case of violation of any of the above conditions, the prosecution is at liberty to seek cancellation of this order and take appropriate steps in accordance with law.*

8. *Accordingly, the petition stands allowed. No costs.*

-// Dictated to the stenographer, directly typed by him, corrected and pronounced by me in the open Court this the 04th day of August 2026//-.

***I-Additional District and Sessions Judge,
Tiruvallur***

COPY TO:-

The Inspector of Police, Maduravoyal Police Station.

