

W.P.(Crl.) No.618 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 27.11.2025

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THE HON'BLE Mr. JUSTICE D.BHARATHA CHAKRAVARTHY

Suo Motu W.P.Crl.No.618 of 2025

Suo Motu

...Petitioner

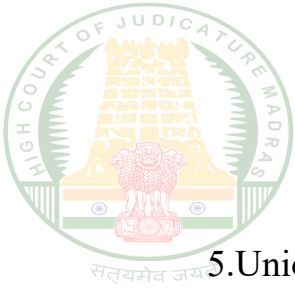
Vs.

1.The State of Tamil Nadu,
Rep.by the Secretary to Government,
Home (Courts-IV) Department,
Fort St.George, Chennai – 600 009.

2.The Secretary to the Government,
Law Department, Government of Tamil Nadu
Chennai – 600 009.

3.The Director of Prosecution,
No.5, Kamaraj Salai, Triplicane,
Chennai – 600 005.

4.The Director General of Police,
No.1, Kamarajar Salai, Mylapore,
Chennai – 600 004.



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5.Union of India,
Rep.by the Secretary to the Government,
Home Department,
Puducherry – 605 001.

6.The Secretary,
Law Department, Puducherry – 605 001.

7.The Director of Prosecution
No.5, Kamarajar Salai,
Tamil Nadu Slum Clearance Board Campus,
Puducherry – 600 005.

8.The Director General of Police,
2, Dumar Street, White Town,
Puducherry – 605 001.

...Respondents

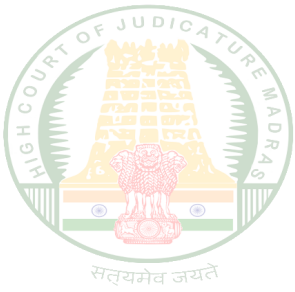
For Petitioner(s) : Suo Motu

For Respondent(s)

For R1 to R4 : Mr.S.Sugendran
Additional Public Prosecutor

For R5 & R8 : Mr.K.S.Mohandas
Public Prosecutor (Puducherry)

Mr.Rajesh Vivekanandan
Deputy Solicitor General of India
Mr.M.Guruprasad, Amicus Curiae
Mr.P.Sidharthan
Special Public Prosecutor



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Mr.S.Vinoth Kumar

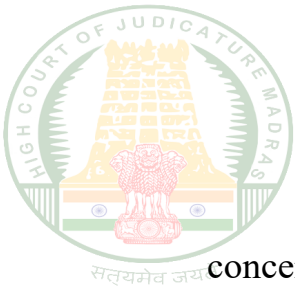
Government Advocate

ORDER

While disposing of the cases, two aspects were noticed, and after informal interaction with the learned Member Secretary, Tamil Nadu State Legal Services Authority. The following orders are passed.

A- Return of Mobile Phones and other Articles:

(i) With reference to the theft of mobile phones and similar articles are concerned, it can be seen that their value diminishes significantly after the theft and recovery. Persons lose their phones in transit, visiting their native places or other places apart from their normal place of residence. They also move on and buy new phones. The old mobile which is stolen may contain some personal information like pictures, contacts, other important messages etc. But the parties do not appear before the learned Magistrate to apply for return of their respective properties and receive the mobiles which are lying as e-waste in the property rooms of the



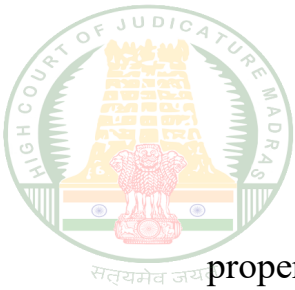
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concerned court. To get return, they have to spend more than the value, lose their wage, take leave, travel and spend, wait for the whole day in the regular court procedure and thereafter only they can get back the same.

(ii) To redress such grievances in cellphones and similar properties of lesser value related matters, assistance can be provided to the de facto complainants as a legal service by the Tamil Nadu State Legal Services Authority. The Tamil Nadu Legal Services Authority can furnish/publicise the regular e-mail address of the Secretaries of the District Legal Services Authorities concerned or a special i-d created for the purpose.

(iii) The de facto complainant/victim concerned shall send an email requesting that the property be couriered to him/her at the address provided in the email. They can make a request by emailing the Secretary of the District Legal Services Authority, furnishing the particulars, viz., case number and other details, and thereafter requesting that their



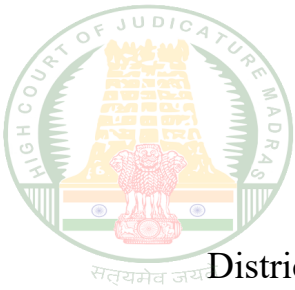
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property, such as cellphones, be sent to the address contained in the email on as is where the condition and that they will not have any claim with reference to the damage in transit etc. The mobile number of the claimant shall be mandatorily mention in the email.

(iv) Once a mail is received, the Secretary, District Legal Services Authority shall intimate to the investigating officer concerned, who will then contact the complainant through the mobile, ensure that the person concerned is the party and record a video to the effect that he/she is the complainant and the owner of the property and entitled to the same and that he will accept the property if it is couriered to him.

(v) Thereafter the request and the video shall be submitted to the presiding officer, who can pass appropriate orders for returning the property, unless the Court feels otherwise on the facts and circumstances of the case. Once the court orders, then the property can be returned by courier to the concerned address under the supervision of the Secretary,



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District Legal Services Authority and the funds available with the District

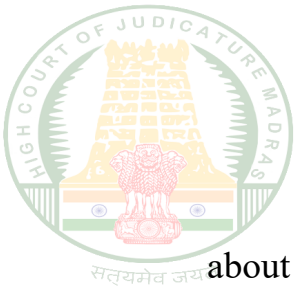
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Legal Services Authority can be spent for the courier expenses and the same can also be claimed from the state of Tamil Nadu.

(vi) This return of property services can be undertaken firstly for the cases that are disposed of by the Dedicated Bench and thereafter for the other cases, depending on the experience. The same can be considered administratively by the authorities concerned for continuation of the service mentioned above.

B. Of Motor Vehicle Accidents & Compensation:

During the pilot project, this court dealt with numerous cases involving offences under Section 304(A) as well as Sections 337 and 338 of the IPC. To consider the release of the accused/offender on probation and to enable the plea of guilt, etc., when this court directed that the defacto complainant, their dependents, including witnesses, be enquired



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about the compensation from the appropriate Motor Vehicle Tribunal, it was shocking to discover that in a significant number of cases, the dependents of the deceased or victim had stated that they were unaware of such rights to claim compensation. In those cases, orders were passed by the Dedicated Bench directing the concerned investigating officers to serve a set of papers on those persons, informing them that they are eligible to approach the Legal Service Authority for legal assistance and that legal aid counsel can be nominated to file the claim petitions. The Member Secretary of the Tamil Nadu State Legal Services Authority was also informed of this in open court. Therefore, wherever required, legal aid shall be provided.

Contrary to public perception, claims are not made in all accidents; in many cases, there is a lack of awareness. Therefore, the TNLSA can also consider and promote awareness campaigns among the general public, especially in rural and backward districts, to inform victims of road accidents and their dependents that they can approach the Motor

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Accidents Claim Tribunal for compensation.

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Neutral citation : Yes / No

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To

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State of Tamil Nadu,

Home (Courts-IV) Department,

Fort St.George, Chennai – 600 009.

2.The Secretary to the Government,

Law Department, Government of Tamil Nadu, Chennai – 600 009.

3.The Director of Prosecution,

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4.The Director General of Police,

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Chennai – 600 004.

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5.The Secretary to the Government,

Union of India

Home Department,

Puducherry – 605 001.

6.The Secretary,

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7.The Director of Prosecution,

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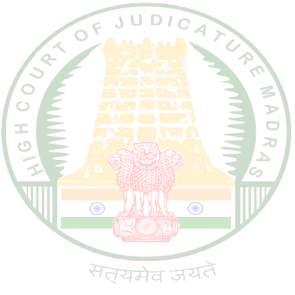
8.The Director General of Police,

2, Dumar Street, White Town,

Puducherry – 605 001.

9. The Public Prosecutor

High Court, Madras.



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D.BHARATHA CHAKRAVARTHY, J.

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