

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 21.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH**Crl.O.P.No.23381 of 2015**

WEB COPY

A.Tamilselvan

.. Petitioner

Vs.

1.The Superintendent of Police,
Tirunelveli District,Tirunelveli.2.The Deputy Superintendent of Police,
Tirunelveli District
Tirunelveli.3.The Inspector of Police,
Kalakkad Police Station,
Tirunelveli District, Tirunelveli.4.Authorised Officer,
Kotak Mahindra Bank Ltd.,
25/B, 18 Arunagiri Complex,
Tirunelveli.

.. Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to direct the 3rd respondent police to confiscate the vehicle bearing Reg. No.TN 72 AJ 4173 from the 4th respondent and give it the same to the petitioner herein.

For Petitioner :: Mr.D.Saravanan

For Respondent :: Mr.A.P.Balasubramani for R1 to R3
Government Advocate (Crl. Side)
Mr.V.Muthukamatchi for R4**O R D E R**

The petition has been filed for a direction to the 3rd respondent police to confiscate the vehicle bearing Reg. No.TN 72 AJ 4173 from the 4th respondent and give it the same to the petitioner herein.

2. It is the case of the petitioner that he had taken a vehicle loan from the 4th respondent and had defaulted in making payment, on account of which, the vehicle was seized by the 4th respondent and has been kept in the custody of the 4th respondent.

3. When the matter came up earlier before this Court on 10.12.2015, this Court passed the following order:

<https://hcservices.ecourts.gov.in/hcservices/> The petitioner is permitted to take private notice to the 4th respondent returnable by 22.12.2015



and also file a proof of service along with a copy of the private notice and acknowledgment and into the Registry on or before 18.12.2015.

The counsel for the petitioner submitted that now the petitioner is willing to pay a sum of Rs.1,00,000/- (Rupees one lakh only) to the fourth respondent towards the loan availed. Considering the said submission, the petitioner is permitted to pay Rs.1 lakh to the 4th respondent towards the loan availed by way of a demand draft. The contention of the petitioner would be considered on the 4th respondent entering appearance in this matter. Post on 22.12.2015."

4. Today, when the matter was called, the learned counsel for the petitioner submitted that he has now paid a total sum of Rs.1,70,000/-, namely, Rs.35,100/- on 17.12.2015, a sum of Rs.35,060/- on 28.01.2016 and on 19.03.2016, a sum of Rs.1,03,500/-.

5. In view of the above, without prejudice to the rival claim, the 4th respondent is directed to return the vehicle forthwith to the petitioner and proceed with the recovery of the balance amount in the manner known to law. The petitioner is directed to pay the balance installments without default on the due date.

With the above direction, this petition is disposed of.

Sd/-

Assistant Registrar(Record)

/True copy/

Sub Assistant Registrar
Madurai Bench of Madras High Court,
Madurai.

RR

To

- 1.The Superintendent of Police,Tirunelveli District, Tirunelveli.
- 2.The Deputy Superintendent of Police,
Tirunelveli District, Tirunelveli.
- 3.The Inspector of Police,
Kalakkad Police Station, Tirunelveli District, Tirunelveli.

+1 cc to Mr.D.Saravanan,Advocate, SR No.15675

+1 cc to Mr.B.Ramanathan, Advocate, SR No. 15823

RG.GSV-PM 22.03.2016 2P/6C