

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2018

CORAM

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

Crl.O.P.No.21958 of 2018

M/s.TATA Motors Finance Ltd.,
No.64/5-9, GRDI Complex Ground Floor,
Perundurai Road, Erode.
Rep by its Authorized Signatory
M.Dhanasekar. Petitioner

Vs.

State rep. by the Inspector of Police,
District Crime Branch,
Erode.
(Crime No.14 of 2017) Respondent

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to secure the first accused and the 23 vehicles which are the subject matter of the agreement and produce the same before Court and complete the investigation expeditiously.

For Petitioner : Mr.C.Santhosh Kumar
For Mrs.AL.Ganthimathi

For Respondent : Ms.M.Prabhavathi
Addl.Public Prosecutor

O R D E R

This petition has been filed to direct the respondent to secure the first accused and 23 vehicles which are the subject matter of the agreement and produce the same before the Court and complete the investigation expeditiously.

2. The learned counsel for the petitioner has submitted that one Govindasamy and Mr.Eswaramoorthy (accused No.1 & 2) had approached the petitioner for financial assistance for purchase of TATA bus chassis. He further submitted that between 13.06.2013 and 02.02.2015, the accused persons had entered into 38 agreements with the Erode Branch of the petitioner and availed loan facility for purchase of TATA bus chassis and for body building on the same. He further submitted that the accused persons were very irregular in making repayment of the

equated monthly instalments. He further submitted that the petitioner made enquiries in the office of the Regional Transport Offices, Madurai, Coimbatore, etc., to know transactions, if any, with regard to the aforesaid vehicles and to his shock and surprise, he came to know that the 23 vehicles which were under the hypothecation with the petitioner, had been sold by the accused persons to third parties. He further submitted that the said accused Nos.1 and 2 had committed forgery by creating hypothecation cancellation letters and no objection certificate and other required documents and presented the same before the concerned Regional Transport Offices and illegally transferred the vehicles to third parties and hence the petitioner lodged a complaint before the respondent on 25.11.2017 and based on the same, the case was registered in Crime No.14 of 2017 under Sections 420, 406, 467, 468, 471 r/w 120(B) of IPC and thereafter no steps has been taken by the respondent to secure either the first accused or the said vehicles. He further submitted that even though the accused No.2 was arrested and remanded to Judicial custody, nothing was recovered from him and hence he requests to direct the respondent to secure the accused No.1 and the aforesaid vehicles.

3. The learned public prosecutor has submitted that already accused No.2 was arrested and remanded to Judicial custody and the respondent is searching for the first accused and only after securing him, the whereabouts of the vehicles can be found. She further submitted that the first accused is absconding and hence, the respondent is not able to secure the vehicles also.

4. Considering the aforesaid submissions, the first respondent is directed to take some effective steps to secure the first accused as well as the vehicles involved in the above case. Merely because the first accused is absconding, the respondent cannot say that he is not able to trace out the vehicles. He should find some alternative methods to secure the vehicles. He can give instructions to the police stations and also to the Regional Transport Offices and he can also check the CCTV cameras which are installed in the toll gates and trace out the vehicles. Therefore, the respondent is directed to take some effective steps to secure the first accused and also the vehicles involved in the present case and complete the investigation and file final report within four months from the date of receipt of copy of this order.

5. With the aforesaid observations, this petition is disposed of.

Sd/-
Assistant Registrar (CS-IV)

// True Copy//

Sub Assistant Registrar

mm/msrm

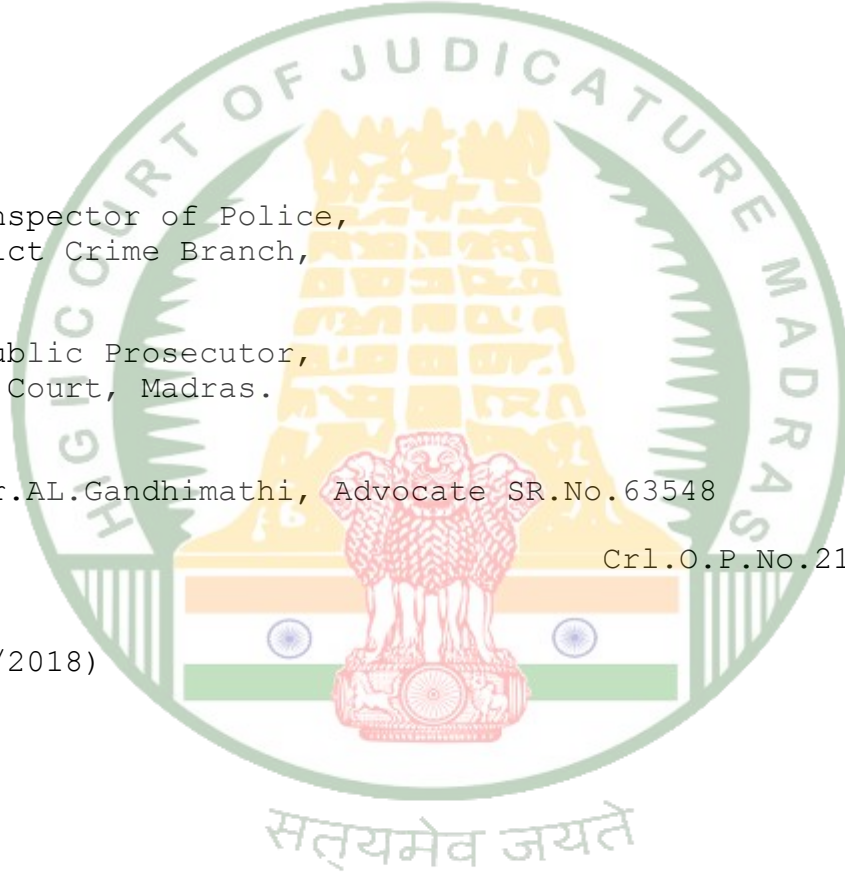
To

1. The Inspector of Police,
District Crime Branch,
Erode
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.AL.Gandhimathi, Advocate SR.No.63548

Crl.O.P.No.21958 of 2018

RMP (25/09/2018)



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