



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.R.C.(MD) No.251 of 2014
and CrI.M.P.(MD) No.1724 of 2016 in
CrI.R.C.(MD) No.SR6309 of 2016

CrI.R.C.(MD) No.251 of 2014:

M/s.Sundaram Finance Limited having its
Registered Office at No.21, Patullos Road,
Chennai - 600 002 rep. by its
Branch Manager,
Mr.S.Sudarsanam

... Revision Petitioner / Petitioner
vs.

1.State rep. by

The Inspector of Police,
Lalpet Police Station.

Crime No.229 of 2013

... 1st Respondent / Complainant

2.Mr.J.Havyo Jones

... 2nd Respondent/Accused

PRAYER (CrI.R.C.(MD) No.251 of 2014): Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C., to call for the records in CrI.M.P.No.805 of 2014 on the file of the learned Judicial Magistrate No.I, Kulithalai and set aside the order dated 25.02.2014.

CrI.M.P.(MD) No.1724 of 2016:

M/s.Sundaram Finance Limited having its
Registered Office at No.21, Patullos Road,
Chennai - 600 002 rep. by its
Assistant Manager (Legal),
Mr.S.K.Kamalanand

... Petitioner / Petitioner
vs.

1.State rep. by

The Inspector of Police,
Lalpet Police Station.

2.Mr.J.Havyo Jones

... Respondents/Respondents

PRAYER (CrI.M.P.(MD) No.1724 of 2016 in CrI.R.C.(MD) No.SR6309 of 2016): Miscellaneous petition filed under Section 5 of the Limitation Act, praying to condone the delay of 569 days in filing the above CrI.R.C.(D).No.SR6309 of 2016.

PRAYER (CrI.R.C.(MD) No.SR6309 of 2016): Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C., praying to call for the



records in Cr.M.P.No.1217 of 2014 on the file of learned Judicial Magistrate No.1, Kulithalai and set aside the order dated 05.05.2014.

For Petitioner in both : Mr.S.Pon Senthil Kumaran
petitions

For 1st Respondent in : Mrs.S.Bharathi,
both petitions Government Advocate (Criminal side)

For 2nd Respondent in : No appearance
both petitions

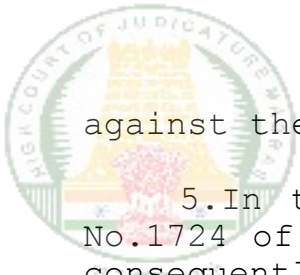
COMMON ORDER

Sundaram Finance Limited had provided finance to Havyo Jones for the purchase of Mahindra Verito Car bearing registration No.TN 38 BT 6222 during April, 2014. The case in Crime No.229 of 2013 was registered by Lalpet Police Station in respect of the incident in which Havyo Jones and others have gone in the Mahindra Verito Car and had intercepted the defacto complainant and had taken away huge cash posing themselves as income tax officials. Havyo Jones was arrested by the Police. Sundaram Finance Ltd., filed C.M.P.No.805 of 2015 in Crime No.229 of 2013 under Section 451 Cr.P.C. before the Judicial Magistrate No.1, Kulithalai for interim custody of the car. The said petition was dismissed by the trial Court on 25.02.2014 on the ground that the said car is material piece of evidence in the case. Challenging the order, Sundaram Finance has filed Crl.R.C.No.251 of 2014.

2.While so, Havyo Jones filed C.M.P.No.1217 of 2014, before the Judicial Magistrate No.1, Kulithalai for the interim custody of the car and the learned Judicial Magistrate by order dated 05.05.2014 had allowed the petition and handed over the custody of the car to him. Challenging the order dated 05.05.2014, Sundaram Finance have filed Crl.R.C.(MD) No.SR6309 of 2016 with a delay of 569 days and therefore, they have filed Crl.M.P.(MD) No.1724 of 2016 under Section 5 of the Limitation Act for condonation of delay.

3.Today Mr.M.Muthuveeran, Special Sub-Inspector of Police, Lalapet Police Station is present. Learned Government Advocate (Criminal side) on instruction submitted that after interim custody was taken by Havyo Jones the Car was involved in Coimbatore District Alandurai Police Station Crime No.145 of 2014 for offence under Section 302 I.P.C. and also in Ahali Police Station Crime No.295 of 2014 (Kerala State, Palakad District) for offence under Section 302 I.P.C. Learned Government Advocate (Criminal side) also submitted that Havyo Jones is in jail.

4.In such view of the matter, the car which has been involved in so many criminal cases cannot be given to Sundaram Finance. Therefore, it is open to Sundaram Finance to take recovery action



against the borrower in accordance with law.

5. In the result, Crl.R.C.(MD) No.251 of 2014 and Crl.M.P.(MD) No.1724 of 2016 in Crl.R.C.(MD) No.SR6309 of 2016 are dismissed and consequently, Crl.R.C.(MD) No.SR6309 of 2016 is rejected.

Sd/

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To:

1. The Judicial Magistrate No.I,
Kulithalai.
2. The Inspector of Police,
Lalpet Police Station, Karur District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.S.PON SENTHILKUMARAN, Advocate, SR.No.58276

Crl.R.C.(MD) No.251 of 2014
and Crl.M.P.(MD) No.1724 of 2016 in
Crl.R.C.(MD) No.SR6309 of 2016
27.03.2018

SJ

KK/KK/17.04.2018/SAR-2/3P-5C