

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No. 7387 of 2019

Sri Hari Finance
Rep. by its Proprietor M.Ramachandran
No.94, L.B.Road,
Avvai Nagar, Thiruvanmiyur,
Chennai - 600 041. ... Petitioner/3rd Party

Vs.

1. The State rep. by
The Inspector of Police,
PEW Madurandagam Police Station,
Kanchipuram District. ... Respondent/Complainant

2. G.Gnanamani ... Respondent/Accused

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to order return of the vehicle Plaggio Auto Rickshaw bearing registration No. TN 19 AZ 0666 (which has been seized by the first respondent in FIR No.347 dated 12.08.2018).

For Petitioner :Mr.V.Shanmugam

For Respondent :Mr.C.Raghavan
Government Advocate
(Cr1. Side)

सतयमेव जयते
O R D E R

This Criminal Original Petition has been filed for a direction to the order return of the vehicle Plaggio Auto Rickshaw bearing registration No. TN 19 AZ 0666 (which has been seized by the first respondent in FIR No.347 dated 12.08.2018)

2. The learned counsel for the petitioner submitted that the petitioner is carrying on Vehicle Finance Business on hire purchase contract. The second respondent approached him for finance to purchase Plaggio Auto Rickshaw bearing Registration No.TN 19 AZ 0666. The second respondent had signed hire purchase contract and the petitioner had financed about two lakhs. He further submitted that from August 2018 no amounts were received

from him and he was not at all available at his residence nor could be contacted over phone. He further submitted that only in the month of December 2018 when the petitioner's representative was able to find the second respondent he had informed that the vehicle has been seized by the first respondent police and that it is in their custody. On verification, he came to know on 12.08.2018, the vehicle was charged for transporting 490 litres of Restricted Spirit in 14 cans from Pondy to Odhiyur and the first respondent had registered the case in FIR No.347 dated 12.08.2018 and the vehicle has been seized. The petitioner is not in any way connected with the alleged offence.

3. The learned Additional Public Prosecutor, on instructions, submitted that the petitioner is not an accused in Crime No.347 of 2018.

4. Considering the facts and circumstances of the case, the petitioner is at liberty to approach the concerned Jurisdictional Court for return of vehicle. Though, the petitioner is not an accused in the said crime, there is no impediment to the petitioner to approach the concerned jurisdictional Magistrate seeking return of vehicle.

Accordingly, the Criminal Original Petition is disposed of.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Inspector of Police,
PEW Madurandagam Police Station,
Kanchipuram District.

2. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.V.Shanmugam, Advocate sr 26549.

CrI.O.P.No. 7387 of 2019

LN(CO)
SP(25/04/2019)