

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2019

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THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.RC.No.747 of 2019

M/s. Equitas Small Finance Bank Private Limited
Represented by its Branch Manager, V.Karthik
No.8/2, 4th Floor, Anna Salai,
Nandanam,
Chennai - 600035.

... Petitioner/Petitioner

Vs.

1. State represented by Inspector of Police,
P-5 Police Station,
M.K.B. Nagar,
Chennai - 600039.
(Crime No.822 of 2014) ...1st Respondent/Complainant
2. Dinesh Babu Transport,
Represented by its Proprietor,
V.K. Sugumaran
No.126/18, Panchali Amman,
Koil Street, Arumbakkam,
Chennai - 600106.

...2nd Respondent/Defacto
Complainant

Criminal Revision Petition filed under Section 397 & 401 Cr.P.C., to set aside the order dated 28.06.2019 passed in Crl.M.P.No.7107 of 2019 on the file of the learned X Metropolitan Magistrate at Egmore and allow the above Criminal Revision Case.

For Petitioner : Mr.Damodaran A.

For Respondents : Mrs.Kritika Kamal.P
Government Advocate
(Crl.Side) [R1]
Mr.D. Ashok Kumar [R2]

O R D E R

On the complaint lodged by V.K. Sugumaran - second respondent, the Police registered a case in Crime No.822 of 2014 on 18.05.2014 against unknown accused. It is the case of

Sugumaran, the owner of the lorry bearing Registration No. TN 28 J 0588, that someone has stolen his lorry from the parking lot. During the course of investigation, it came to light that the accused has abandoned the lorry near Pallikonda Police Station and on coming to know of it, the Police seized the lorry and produced the same before the Jurisdictional Magistrate. Sugumaran filed Crl.MP.No.1937 of 2014 under Section 451 Cr.P.C. which was allowed by the V Metropolitan Magistrate, on condition that he should surrender the RC book. According to Sugumaran, the original RC book was with the financier and therefore, he filed a fresh petition in Crl.MP.No.2871 of 2014, for return of the vehicle and the same was dismissed by the V Metropolitan Magistrate on 24.11.2014 on the ground that Sugumaran had failed to comply with the earlier order. Challenging the order dated 24.11.2014, Sugumaran filed Crl.RC.No.21 of 2015 before this Court. This Court by order dated 03.03.2015 in Crl.RC.No.21 of 2015 directed Sugumaran to deposit the RC book before the Trial Court and take interim custody of the vehicle. Since Sugumaran did not have the RC book, he did not take any step to take interim custody of the vehicle and therefore, the vehicle remains in the Police Station till date. The Police have also not been able to apprehend the accused in Crime No.822 of 2014. Under such circumstances, M/s. Equitas Small Finance Bank Private Limited (the petitioner herein) who is the financier of the vehicle, filed Crl.MP.No.7107 of 2019 for interim custody of the vehicle and the same has been dismissed by the learned X Metropolitan Magistrate on 28.06.2019. Challenging the order, M/s. Equitas Small Finance Bank Private Limited is before this Court.

2. Notice was ordered to the respondent and on receipt of which, Mr.D.Ashok Kumar has entered appearance for V.K.Sugumaran, the proprietor of Dinesh Babu Transport.

3. Mr.D.Ashok Kumar submitted that Sugumaran purchased the lorry on the finance provided by M/s. Equitas Small Finance Bank Private Limited and after the recovery of the vehicle, he was not been able to take possession of it, despite the order of this Court, since the RC book was with the financier. Therefore, Mr.D.Ashok Kumar submitted that Sugumaran has no objection in this Court handing over the vehicle to the petitioner.

4. The learned counsel for M/s. Equitas Small Finance Bank Private Limited submitted that Sugumaran had failed to pay the dues for the said vehicle. The fact remains that Sugumaran lost the vehicle on 14.05.2014 and the vehicle itself was found abandoned by the Police and since its recovery on 18.05.2014, the vehicle is laying idle in the Police Station. Therefore, one cannot expect Sugumaran to pay the dues when he is unable to

put the vehicle to use for reasons beyond his control.

5. It is indeed very sad that the victim of a crime had to undergo such travails in our criminal justice system. An order under Section 451 Cr.P.C. is an interim order and the same can be changed from time to time.

6. Under such circumstances, this Criminal Revision Petition stands allowed and the order dated 28.06.2019 passed by the learned X Metropolitan Magistrate, Egmore in Crl.MP.No.7107 of 2019 is set aside. The said vehicle is directed to be handed over to M/s. Equitas Small Finance Bank Private Limited, the petitioner herein, on they executing a bond for Rs.10,000/- with two sureties to the satisfaction of the X Metropolitan Magistrate, Egmore. The Police shall take photographs of the lorry and submit the same to the learned Magistrate for record purpose. It is open to M/s. Equitas Small Finance Bank Private Limited, to deal with the lorry, in any manner, as they deem fit.

-s/d-

Assistant Registrar(CS-I)

True Copy

Sub-Assistant Registrar

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To

1.The X Metropolitan Magistrate
Chennai

2. Inspector of Police,
P-5 Police Station,
M.K.B. Nagar,
Chennai - 600039.
(Crime No.822 of 2014)

3. The Public Prosecutor,
High Court,
Madras.

+1 CC to Mr.A.Damodaran, Advocate sr 72568.

CRL.RC.No.747 of 2019

GMR(CO)
SP(23/09/2019)