



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 25.09.2020

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.515 of 2020

S.Priya

.. Petitioner/petitioner

Vs.

State through
The Inspector of Police,
District Crime Branch,
Tirunelveli.

.. Respondent/Respondent

Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the records relating to the order passed by the learned Judicial Magistrate No.I, Tirunelveli in Cr.M.P.No.3041 of 2020 dated 18.03.2020 and to set aside the same.

For Petitioner	: Mr.C.Susi Kumar
For Respondent	: Mrs.Anandha Devi, Government Advocate (Crl. Side)

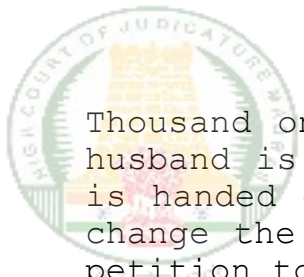
ORDER

This revision has been filed to set aside the order passed in Crl.M.P.No.3041 of 2020, dated 18.03.2020, on the file of the learned Judicial Magistrate No.I, Tirunelveli to grant interim custody of vehicle bearing Registration No.TN-55-BA-1515 to the petitioner.

2.The case against the petitioner is that the petitioner cheated the defacto complainant and through the sale proceeds, he purchased the vehicle bearing Registration No.TN-55-BA-1515. The petitioner who claims to be owner of the vehicle, filed the petition in Cr.M.P.No.3041 of 2020 for return of the property. The petition was dismissed by the trial Court. Against which, the petitioner preferred this revision case.

3.On the side of the petitioner, it is stated that the alleged occurrence was of the year 2019 but the vehicle was purchased in the year 2017 itself and prayed the vehicle to be returned to be petitioner.

On the side of the prosecution, it is stated that the petitioner and other accused cheated the defacto complainant from January 2019 to March 2019 to the tune of Rs.1,24,03,070/- (Rupees One Crore Twenty Four Lakhs One Thousand and Seventy only). It is stated that the defacto complainant received Rs.10,018,070/- (Rupees Ten Lakhs Eighteen Thousand and Seventy only) through bank and there is a balance of Rs.22,50,000/- (Rupees Twenty Two Lakhs and Fifty



Thousand only). The petitioner is A6 in the case. The petitioner's husband is A2. Huge amount is involved in the case. If the vehicle is handed over to the petitioner, there is possibility to alter or change the physical structure of the alleged vehicle and prayed the petition to be dismissed.

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It is seen that the vehicle was produced for judicial custody on 22.02.2020. For the past six months, the vehicle is kept in open, which may caused damage to the value of the vehicle. There is no dispute regarding the owner of the vehicle.

In the above circumstances, this Criminal Revision Case is allowed and the order of the learned Judicial Magistrate No.I, Tirunelveli in Cr.M.P.No.3041 of 2020 is set aside and the learned Magistrate is directed to return the vehicle to the petitioner for interim custody subject to the confiscation proceedings on the following conditions:

(i)The petitioner shall deposit the original Registration Certificate of the vehicle with the learned Judicial Magistrate No.I, Tirunelveli ;

(ii)The petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.34 of 2019 on the file of the learned Judicial Magistrate No.I, Tirunelveli within a period of two weeks from the date of receipt of a copy of this order ;

(iii)The petitioner is directed to execute a bond for a sum of Rs.5,00,000/- (Rupees five lakhs only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Tirunelveli ;

(iv)The petitioner shall not alienate and shall not make any alteration in the vehicle ;

(v)The petitioner shall produce the vehicle before the Court and before the respondent as and when required and this order is subject to the final order to be passed in the confiscation proceedings ;

Sd/-

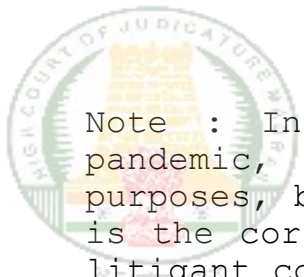
Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Mrn



Note : In view of the present lock down owing to COVID - 19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

WEB COPY

To

- 1.The Judicial Magistrate No.I, Tirunelveli.
- 2.The Inspector of Police,
District Crime Branch,
Tirunelveli.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl. R.C. (MD) No.515 of 2020
25.09.2020

AVS (CO)
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