

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2021

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.RC.No.24 of 2021

D.Rajesh

... Petitioner

Vs.

State Rep by:-

Inspector of Police,
Bank Fraud Prevention Wing,
Central Crime Branch,
Chennai.

... Respondent

PRAYER : Criminal Revision Case filed under Section 397 r/w 401 of Cr.P.C. to set aside the order passed in Crl.M.P.No.11446 of 2020 in Crime No.313 of 2018, dated 11.11.2020 on the file of the CCB & CBCID Metropolitan Magistrate, Egmore, Chennai and to direct the court below to return the properties in Crime No.313 of 2018 on the file of CCB & CBCID Metropolitan Magistrate, Egmore, Chennai.

For Petitioner :Mr.P.Veera Narayanan
For Respondents :Mr.R.Suryaprakash
Government Advocate

O R D E R

This Criminal Revision Petition has been filed challenging the order passed in Crl.M.P.No.11446 of 2020 in Crime No.313 of 2018, dated 11.11.2020 on the file of the CCB & CBCID Metropolitan Magistrate, Egmore, Chennai and to direct the court below to return the properties in Crime No.313 of 2018 on the file of CCB & CBCID Metropolitan Magistrate, Egmore, Chennai.

2. Initially a case has been registered against the petitioner for the offences punishable under Sections 419, 465, 468, 471, 420 I.P.C. in Crime No.313 of 2018. During investigation the respondent police seized the properties such as mobile phones, two wheeler, Television etc., and the petitioner has filed the application before the learned Magistrate under Section 451 of Cr.P.C. for return of the aforesaid properties seized from him. The learned Magistrate dismissed the same vide order dated 11.11.2020. Challenging the same, the petitioner is before this Court.

3. The learned counsel for the petitioner would submit that the petitioner has not involved in this case and he was also released on bail and therefore the properties seized from him such as two wheeler, mobile phones e.t.c., are very much necessary for his day to day needs and prays to release the said properties.

4. Mr.R.Surya Prakash, learned Government Advocate (Crl.side) takes notice for the respondents. He would submit that the petitioner used the name of the de-facto complainant and involved in various transactions . He would further submit that the petitioner had forged the various documents and further by using the forged cards of various banks purchased all the properties by availing durable consumer loans. He would further contend that investigation is not yet completed and therefore there is no possibility of returning the vehicle at this stage and hence this Criminal Revision Petition is liable to be dismissed.

5.Admittedly, a case was registered against the petitioner for the offences punishable under Sections 419, 465, 468, 471, 420 I.P.C. in Crime No.313 of 2018 and the investigation is still pending. During investigation, subject properties has been seized by the respondent police and further the nature of offence is serious in nature. Therefore, under these circumstances, during the pendency of investigation, release of vehicle is purely discretionary power of the Court.

6. In view of the aforesaid facts and circumstances, this Court by considering the nature of offence alleged to have involved and the fact that investigation is yet to be completed and charge sheet has not been filed, is not inclined to grant relief to the petitioner. Hence, this Criminal Revision is dismissed.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1.The CCB & CBCID Metropolitan Magistrate,
Egmore, Chennai

2.The Inspector of Police,
Bank Fraud Prevention Wing,
Central Crime Branch,Chennai.

3.The Public Prosecutor,
High Court, Madras - 104.