

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Crl.R.C.No.858 of 2015

The State Bank of Bikaner and Jaipur,
represented by its Branch Manager & Authorized Officer,
No.AC 56, New No.16, 5th Avenue,
Anna Nagar Branch,
Chennai 600 040. ... Petitioner/Owner of the Car

Vs.

1.The Sub-Inspector of Police,
K-10, Koyambedu Police Station,
Koyembedu, Chennai.
(Crime No.1083 of 2014) ... 1st Respondent/Complainant

2.T.Darshan ... 2nd Respondent/Proposed party
[R.2 is impleaded as per order of this
Court dated 21.04.2021 made in M.P.No.1
of 2015 in Crl.R.C.No.858 of 2015]

PRAYER: This Criminal Revision Petition has been filed under
Section 397 read with Section 401 of Cr.P.C, to set aside the
order passed in Crl.M.P.No.853 of 2015 in K-10, P.S.Crime
No.1083 of 2014, by the learned V Metropolitan Magistrate,
Egmore, Chennai, dated 10.06.2015.

For Petitioner : Mr.N.Sathish Rajan
for M/s.N.Kishore Kumar

For R1 : Mr.R.Surya Prakash
Government Advocate

JUDGMENT

The revision petitioner, who is the State Bank of Bikaner and Jaipur, has filed this Criminal Revision Case praying to set aside the order dated 10.06.2015, passed by the learned V Metropolitan Magistrate, Chennai, in Crl.M.P.No.853 of 2015.

2.Heard the learned counsel for the revision petitioner/Bank and the learned Government Advocate appearing for the first respondent and also perused the materials placed on record.

3.The revision petitioner/Bank is the defacto complainant. By producing the fake documents, the accused had obtained a Car loan from the revision petitioner/Bank and had purchased a Car on monthly installments and he had failed to repay the same in spite of several requests made by the revision petitioner/Bank. Therefore, on 28.07.2014, the revision petitioner/Bank had filed a complaint before K-4, Anna Nagar Police Station and based upon the said complaint, a case was registered in Crime No.1627 of 2014, for the offence under Sections 406, 420, 468 and 471 of IPC. During the investigation, it came to light that the accused was trying to sell the Car by producing forged documents. Therefore, the proposed purchaser has given a complaint to the respondent police and based upon the said complaint, a case in Crime No.1083 of 2014 was registered by the respondent police for the offence under Sections 420, 467, 468, 471 and 472 of IPC and the accused was arrested and the subject Car was also seized by the respondent police.

4(a).On a perusal of records, it is seen that since the loan amount is more than Rs.10,00,000/-, the revision petitioner/Bank has filed an application in O.A.No.254 of 2014, against the accused, before the Debts Recovery Tribunal - I, Chennai, for recovery of outstanding amount of Rs.10,01,659/- with subsequent interest and cost and the Debts Recovery Tribunal - I, Chennai, by an order dated 27.02.2015, has allowed the above said application with liberty to the revision petitioner/Bank to sell the Car.

4(b).Initially interim custody of the Car was given by the learned V Metropolitan Magistrate, Egmore, Chennai, to the revision petitioner/defacto complainant in the petition filed in CrI.M.P.No.2839 of 2014, on 28.01.2015 and hence, revision petitioner/Bank has filed a petition in CrI.M.P.No.853 of 2015 for modification of the order dated 28.01.2015, passed in CrI.M.P.No.2893 of 2014, by the learned V Metropolitan Magistrate, Egmore, Chennai, and the said petition was dismissed by an order dated 10.06.2015. As against the order of dismissal, the revision petitioner/Bank has preferred the present Criminal Revision Case before this Court.

5.No doubt true that the Debts Recovery Tribunal - I, at Chennai, has granted permission to the revision petitioner/Bank on the ground that the loan was obtained by the accused by producing fake documents. The main case is pending before the learned V Metropolitan Magistrate, Egmore, Chennai, in respect of Crime No.1083 of 2014 (K-10 Police Station). Since the trial is yet to be commenced and the Car has to be marked as material object, this Court finds that the interest of justice will be met by issuing the following directions:

The learned V Metropolitan Magistrate, Egmore, Chennai, is hereby directed to complete the enquiry and mark the Car as necessary material object and thereafter, grant permission to the revision petitioner/Bank to take the Car since the Car has been kept idle for more number of years and the respondent police is directed to co-operate for early disposal of the case.

6. With the above directions, this Criminal Revision Case is disposed of.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

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To

1. The V Metropolitan Magistrate,
Egmore, Chennai.
2. The Sub-Inspector of Police,
K-10, Koyambedu Police Station,
Koyambedu, Chennai.
3. The Public Prosecutor,
High Court, Madras.
4. The Section Officer,
Criminal Section Records
High Court, Madras.

+1 CC to Mr. N.Kishore Kumar, Advocate Sr. 24874

सत्यमेव जयते

Cr1.R.C.No.858 of 2015

BR(CO)
LS(13/07/2021)

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