



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2021

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.R.C.No.796 of 2021

Vijaya Nirmala

... Petitioner

Vs.

State rep. by
The Inspector of Police,
EDF-I, Team-2,
Central Crime Branch, Chennai.
Cr.No.345/2021

... Respondent

PRAYER: The Criminal Revision Petition is filed under Section 397 & 401 of the Code of Criminal Procedure, to call for records to the order made in Crl.M.P.No.20230 of 2021 by the learned CCB & CBCID Metropolitan Magistrate, Egmore, Chennai and set aside the same and directing the learned CCB & CBCID Metropolitan Magistrate, Egmore, Chennai to release the vehicle bearing Reg.No. PY05-F-8282 Chassis.No.MA3FXEB1S00362617, Engine No.D13A-3377793.

For Petitioner : Mr.G.Nirmal Krishnan

For Respondent : Mr.S.Sugendran
Government Advocate [Crl. Side]

O R D E R

This Criminal Revision Petition has been filed against the dismissal of the petition filed seeking for return of property.

2. Learned counsel for the petitioner would submit that the petitioner is the owner of a Maruthi Car bearing Reg.No.PY05-F-8282, Chassis.No.MA3FXEB1S00362617, Engine No.D13A-3377793. The respondent, on the complaint of one Prakash, had registered a case against a partnership company "Jeans brand factory" and three others and the petitioner was arrested on 28.07.2021. He would further submit that the case was registered based on a direction from the learned Special Judge, Metropolitan Magistrate for CCB & CBCID cases, Egmore, Chennai. He would further submit that the entire allegations are in respect of business transactions and the case is in respect of non payment of money towards supply of goods on



credit basis. He would further submit that the alleged transaction in the complaint is in respect of the period from September 2019 to November 2019. The petitioner had purchased the car on 16.11.2018 and that even as per the allegations of the prosecution, the car is not purchased out of proceeds of crime. But the respondent had seized the car of the petitioner and produced it before the concerned Court. Learned counsel would submit that the car is parked in the open exposed to vagaries of weather and thereby the value of the car is deteriorating day by day. He would submit that the petitioner had filed an application for return of property in CrI.M.P.No. 20230 of 2021 and the trial Court holding that the investigation is at the preliminary stage had dismissed the petition. Learned counsel for the petitioner would submit that the petitioner would undertake that she will not dispose the vehicle and that she would abide any stringent conditions imposed on her and that she would be prepared to produce the vehicle before the respondent as and when required for the purpose of investigation or otherwise.

3. Learned Government Advocate appearing for the respondent would submit that the petitioner is a partner of "Jeans brand factory". The petitioner and the other accused have purchased the goods on credit basis from the defacto complainant, after producing fabricated documents and had cheated the defacto complainant to the tune of Rs.83 lakhs. He would submit that during the course of investigation, the car belonging to the petitioner has been seized and the investigation is still pending.

4. Taking into consideration the facts and circumstances of the case, this Court is of the opinion that the interim custody of the vehicle can be granted to the petitioner.

5. In view of the above, the order dated 05.10.2021 passed in CrI.M.P.No.20230 of 2021 stands set aside and the Criminal Revision Petition stands allowed and the interim custody of the vehicle is directed to be handed over to the petitioner subject to the following conditions:

a) The petitioner shall execute a bond for a sum of Rs.1,50,000/- (Rupees One lakh Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Special Judge, Metropolitan Magistrate for CCB & CBCID, Egmore, Chennai.

b) The petitioner shall produce the Original RC book of the vehicle in question before the concerned court and file an affidavit of undertaking that she will not dispose or alter physical features of the vehicle and that she will produce the vehicle before the trial Court as when required by the trial Court or the Investigating Agency.



c) The RC book of the vehicle shall be retained by the trial Court till the disposal of the trial or until further orders.

WEB COPY

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

vri/rgi

To

1.CCB & CBCID Metropolitan Magistrate,
Egmore, Chennai

2.The Inspector of Police,
EDF-I, Team-2,
Central Crime Branch, Chennai.

3.The Public Prosecutor,
High Court,
Madras.

+1cc to Mr.G.Nirmal Kumar, Advocate SR. No.60502

Cr1.R.C.No.796 of 2021

RSV (CO)
PR (03/12/2021)