



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 05.03.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C. (MD)No.716 of 2020

Guhan Chetti @ Babu

.. Petitioner / Petitioner
Vs.

State through
The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District.
In Cr. No.467 of 2019

.. Respondent/Respondent

Prayer : This criminal revision case is filed under Sections 397 and 401 of Cr.P.C., to call for the records relating to the order passed by the learned Judicial Magistrate No.I, Dindigul in Crl.M.P.No.6043 of 2020 dated 30.11.2020 and to set aside the same.

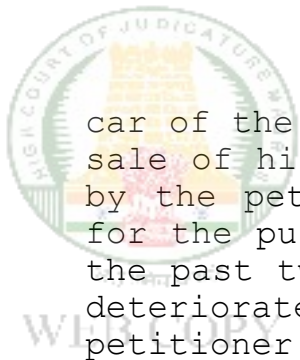
For Petitioner	: Mr.G.Susi Kumar
For Respondent	: Mrs.S.Bharathi
	Government Advocate (Crl. Side)

ORDER

This petition has been filed to set aside the order passed in Cr.M.P.No.6043 of 2020 dated 30.11.2020, on the file of the learned Judicial Magistrate No.I, Dindigul.

2.The petitioner claims to be the owner of the car and bike bearing registration Nos.TN-37-DE-8347 and TN-39-CM-1761, which were seized by the respondent Police in Crime No.467 of 2019 for the offences under Sections 170, 416, 419 @ 170, 416, 419, 420, 458, 406 and 420 of IPC. The petitioner has filed a petition in Cr.M.P.No.6043 of 2020 before the learned Judicial Magistrate No.I, Dindigul for return of the vehicle. The trial Court dismissed the petition. Against which, the petitioner has preferred the present revision case.

3.On the side of the petitioner, it is stated that only after one year from the date of arrest of the petitioner, the vehicles were seized by the police. The vehicles were not used for the commission of offence. The allegation is that through the illegal amount received by the petitioner, the vehicles were purchased by him. Whereas the car was actually purchased after selling the old



car of the petitioner and with the help of chit amounts and from the sale of his property. The receipt for the purchase of car was filed by the petitioner. The petitioner has proved the source of income for the purchase of the vehicles. The vehicles are kept in open for the past two years. Due to which, the value of the vehicles will be deteriorated day by day and prayed the vehicle to be returned to the petitioner.

4.On the side of the respondent, it is stated that the petitioner and others by personifying themselves as IT Officers, have taken away Rs.8,65,00,000/- (Rupees Eight Crores and Sixty Five Lakhs only) and 1³/₄ Kgs of gold from the defacto complainant. Both the vehicles are seized from the accused. Both the vehicles are purchased on 21.08.2019 and 03.09.2019, after the registration of the FIR. The vehicles were purchased out of the cheating amount and prayed the petition to be dismissed.

5.It is seen that the petitioner has filed four cards from a chit fund firm to prove that he received a sum of Rs.1,40,000/- (Rupees One Lakh and Forty Thousand only) on 16.01.2019 and Rs.70,000/- (Rupees Seventy Thousand only) on 11.02.2019. Rs.1,00,000/- (Rupees One Lakh only) on 17.07.2019 and a sum of Rs.1,40,000/- (Rupees One Lakh and Forty Thousand only) on 16.02.2019. In two documents are dated 15.12.2018, the same chit number (105) group (2) was stated in both documents. Except the date of receipt of the chit amount all other entries are the same. The validity of these documents is doubtful. A property was sold by the petitioner on 24.04.2019. Whether the petitioner has used the above said amount for the purchase of the vehicle cannot be decided in this petition.

6.It is seen that the amount involved in this case is huge. The petitioner is an accused in the case. The respondent police has not filed the chargesheet so far.

7.In the above circumstances, the respondent police is directed to file chargesheet within a period of two months from the date of receipt of copy of this order. The petitioner is at liberty to file fresh petition after filing of the chargesheet.

8.With the above direction, this Criminal Revision Case is disposed of.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

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.

To

- 1.The Judicial Magistrate No.I, Dindigul.
- 2.The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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VB (12.03.2021) 3P 4C