



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.No.434 of 2022

SornaSenthil

...Petitioner/Accused

Versus

The State rep.by
The Inspector of Police,
Central Crime Branch,
Veppery, Chennai -07.

...Respondent/Complainant

Prayer: Criminal Revision Case filed under Section 397 read with 401 Cr.P.C, to set aside the order passed by the Learned Judicial -I, Tambaram in Crl.M.P.No.457 of 2022 dated 17.03.2022.

For Petitioner : Mr. M.Velmurugan

For Respondents : Mr.S.Vinoth Kumar,
Government Advocate (Crl.Side)

O R D E R

The petitioner is the owner of the Vehicle in two cars bearing No. TN 07 CU 2727 (VOLKAWAGEN VENTO), Colour : Candy White and TN 07 CW 2727 (TOYOTA KIRLOSKAR INNOVA CRYSTA 24V) Colour : White Pearl Crystal. The said vehicles were seized by the respondent police for the process of investigation in Crime No. 131 of 2021 for alleged offence under Sections 406, 420, 465, 468, 34 of IPC which relates to allegation of cheating to the tune of Rs.5.5 crores., these vehicles belongs to the petitioner, who is Accused No.2 in this case were seized by the respondent police and the same were produced before the Learned Magistrate.

2.The petitioner approached the learned Magistrate by way of Crl.MP.No.457 of 2022 under Section 451 read with 451 of the Code of Criminal Procedure for Return of the above said Vehicles, to him, pending investigation and trial, which was rejected by the trial Court on the ground that investigation is at nascent stage.



3.The learned counsel for the petitioner would submit that the petitioner is the owner of the vehicles. Unless return of vehicles is ordered, the petitioner would be put to irreparable prejudice as the vehicle would rought and became unusable, unless the same is returned to the petitioner. The petitioner would abide by all or any other conditions that may be imposed on him by this Court.

4.Per contra, the learned Government Advocate (crl.side) appearing for the respondent/police would submit that the trial Court has rejected the prayer on the ground that investigation is at initial stage and on release of the vehicles, there is a likelihood of the petitioner indulging in the same offence once again and hence, he opposes granting the prayer in the revision.

5.Considering the nature of the allegation and also considering the fact that the petitioner is a legal owner of the vehicles and the vehicles are not involved in actual commission of offence but is alleged to be in the proceeds of the crime, I am of the view that, instead of allowing the vehicle to wrought, safe custody of the vehicles can be entrusted to the petitioner/accused, who's admittedly the lawful owner.

6.The Criminal Revision is therefore, allowed on the following terms:

(i) The order of the Learned Judicial Magistrate Court No.I, Tambaram dated 17.03.2022, is set aside.

(ii) The petitioner will be entitled for return of two cars bearing No. TN 07 CU 2727 (VOLKAWAGEN VENTO), Colour : Candy White and TN 07 CW 2727 (TOYOTA KIRLOSKAR INNOVA CRYSTA 24V) Colour : White Pearl Crystal.

(iii) The petitioner shall produce the original RC Book of the vehicles and other relevant records to prove his ownership and the learned Magistrate, on perusal of the RC book and other records, retaining the Xerox copy of the same, shall return the original documents to the petitioner with a view to use the vehicles;

(iv) The petitioner shall not alter or alienate the vehicle in any manner till adjudication is over;

(vi) The petitioner shall also give an undertaking that he will not use the aforesaid vehicles for any illegal activities in future and also to produce the vehicles as and when required by the respondent and by the court below and as well as by the District Collector of the District or authorized officer in that behalf by the Government.



(vii) The petitioner shall participate in the confiscation proceedings if any initiated and shall produce the vehicles before the confiscation authority. This order is subjected to the confiscation proceedings.

WEB COPY

(viii) The petitioner shall not indulge in the similar offence either by using the present vehicles or any other vehicle. If the petitioner is found to be involved in any of similar offence in future, either by way of the present vehicles or by any other vehicle, this order of returning the present vehicles bearing No. TN 07 CU 2727 (VOLKAWAGEN VENTO) and TN 07 CW 2727 (TOYOTA KIRLOSKAR INNOVA CRYSTA 24V), shall stand automatically vacated, and this vehicles will be again seized by the respondent/police and produced before the Court concerned.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

sma

To

1. The Judicial Magistrate Court No.I,
Tambaram.
2. Do Thro Chief Judicial Magistrate,
Chengalpet.
3. The Public Prosecutor,
High Court of Madras.
4. The Inspector of Police,
Central Crime Branch,
Veppery, Chennai - 600 007.

+1cc to Mr.M.Velmurugan, Advocate, S.R.No.32839

+1cc to Mr.R.Nageswara Rao, Advocate, S.R.No.32860

Cr1.R.C.No.434 of 2022

GJ(CO)
RGA(16/06/2022)