



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.RC.No.503 of 2022

K.Balakrishnan ... petitioner/accused  
vs.

The State Rep by its  
The Inspector of Police,  
J-8, Neelankarai Police Station,  
Chennai  
(crime No.729 of 2021)

... Respondent

PRAYER: Criminal Revision filed under Sections 397 & 401 of Cr.P.C. praying to set aside the order passed in Crl.MP.No.2273 of 2021 dated 17.03.2022 on the file of the learned Judicial Magistrate No.II, Alandur and to release the vehicle in Toyota Innova Car registration No.TN 48 AR 5555 to the petitioner for interim custody.

|                |   |                                                                 |
|----------------|---|-----------------------------------------------------------------|
| For petitioner | : | Mr.E.C.Ramesh                                                   |
| For Respondent | : | Mr.Leonard Arul Joseph Selvam,<br>Government Advocate(crl.side) |

ORDER

The present criminal revision has been filed praying to set aside the order passed in Crl.MP.No.2273 of 2021 dated 17.03.2022 on the file of the learned Judicial Magistrate No.II, Alandur and to release the vehicle in Toyota Innova Car registration No.TN 48 AR 5555 to the petitioner for interim custody.

2. The case of the petitioner is that he has been carrying on business in the name and style of "A1 Hotel and Restaurant and A1 Sea Foods" at Musuri in Tiruchirapalli District. The father of the first accused is a friend to the petitioner. During the relevant point of time, A1 was detained by the respondent police and had not filed any first information report against him. Instead of registering the case, the respondent police called the petitioner and registered the false case under Sections 406, 420, 465, 468, 471 and 120B of IPC



alleging that the petitioner and others conducted a bogus interview and collected an amount of Rs.13,60,000/- from so many persons. In this regard, after registering the case as above, the petition mentioned vehicle was seized. In otherwise, the petitioner is not connected with the alleged crime.

3. The learned counsel appearing for the petitioner would contend that without any iota of evidence, the respondent police recovered the car. If the property is kept idle, the same will not serve any useful purpose and also the value of the vehicle will be diminished. Therefore, it would necessary to hand over the petition mentioned vehicle to the petitioner for interim custody.

4. The learned Government Advocate(crl.side) appearing for the respondent police raised objection stating that investigation is pending. His specific objection is that the petitioner being an accused in the petition mentioned crime number, if the vehicle is handed over to him for interim custody, he may try to tamper the witness and hamper the investigation.

5. Now on considering the submissions made by the counsels appearing on either side, it is the case of the prosecution that the petition mentioned vehicle has been purchased by utilising the cheated amount. Though the petitioner has shown bank statement saying that the vehicle was purchased by availing loan, it is the case of the prosecution that the petitioner and others involved in the criminal activities from the year of 2015. Therefore, in the said circumstances, it cannot be said whether the petition mentioned property was purchased by the petitioner from his own source or by utilising the cheated amount. In this occasion, if the petition mentioned car has been handed over to the petitioner for interim custody, he may try to tamper the evidence and hamper the investigation.

6. Accordingly, I am of the considered view that the impugned order dated 17.03.2022 passed by the learned Judicial Magistrate No.II, Alandur in Crl.MP.No.2273 of 2021 is within the ambit of law and therefore it cannot be said the same is erroneous one. Accordingly, the present criminal revision is dismissed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The learned Judicial Magistrate No.II,  
Alandur.

2.The Inspector of Police,  
J-8, Neelankarai Police Station,  
Chennai.

3.The Public Prosecutor,  
High Court of Madras.

+1cc to Mr.E.C.Ramesh, Advocate SR.No.26968

Cr1.RC.No.503 of 2022

AD(CO)  
GN(05/05/2022)