



**Crl.M.P. No.2917 of 2022 in Crl.R.C. No.660 of 2019**

**P.N.PRAKASH, J.**

This Court, on 14.08.2019, allowed Crl.R.C. No.660 of 2019 filed by the *de facto* complainant/petitioner in this criminal miscellaneous petition, with certain directions, one of which is as follows:

“11. In the result, the order dated 10.04.2019 passed in Crl.M.P.No.291 of 2019 in Crime No.9 of 2018 on the file of the Chief Judicial Magistrate Court, Puducherry, is set aside and this revision petition is allowed with the following directions:

(v) The Chief Judicial Magistrate, Puducherry, shall give an option to the accused to deposit the value of the Mahindra Scorpio – SUV and Mahindra XUV 500 – SUV in the Court and take custody of the same within four weeks, failing which, the Chief Judicial Magistrate, Puducherry, shall hand over the two vehicles to the Mahindra Company, Puducherry and after giving due depreciation, the value of the two vehicles be determined and Mahindra Company may be directed to deposit the same in the Court of the Chief Judicial Magistrate, Puducherry and deal with the vehicles as their own. On such deposit, the said sum shall be deposited in any nationalized bank in a Fixed Deposit account in the name of the Chief Judicial Magistrate, Puducherry, for a period of three years and the Fixed Deposit Receipt submitted to the Court. The photographs of the vehicles can be obtained and kept on file.”

2 Contending that neither the accused nor Mahindra & Co. is coming forward to take custody of the two vehicles from the Court, the present application has been filed by the revision petitioner/*de facto* complainant seeking modification of paragraph 11(v) extracted above, and also permission to the petitioner to take custody of the vehicles from the Court.



WEB COPY

Crl.M.P. No.2917 of 2022 in Crl.R.C. No.1





**P.N. PRAKASH, J.**

cad

WEB COPY

3 In the affidavit dated 14.12.2021 that has been filed along with this criminal miscellaneous petition, the petitioner has averred that the accused is not coming forward to take custody of the vehicles. Further, the affidavit does not contain even a whisper about the reluctance of Mahindra & Co. also to take custody of the vehicles.

4 In such view of the matter, this Court cannot pass an order as prayed for by the petitioner. However, in partial modification of paragraph 11(v) of the order dated 14.08.2019, this Court gives an option to the petitioner to file an application under Section 451 Cr.P.C. to take interim custody of the vehicles on the valuation of the vehicles given by Mahindra & Co. In the said petition, Mahindra & Co. should be made as a respondent, notice issued to them and after hearing them, the Chief Judicial Magistrate may pass appropriate orders with regard to interim custody of the two vehicles.

This criminal miscellaneous petition stands disposed of accordingly.

**25.11.2022**

cad

Crl.M.P. No.2917 of 2022 in Crl.R.C. No.660 of 2019