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Crl.RC.No.955 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2022

Coram:

THE HONOURABLE **MR. JUSTICE P.VELMURUGAN**

Criminal Revision Case No.955 of 2022

V.Sudhakaran

... Petitioner

Vs.

1.State by
Inspector of Police
Team-IV, EDF -II, CCB
Chennai-600007
Crime No.296 of 2020

2. M/s.Vignesh & Co
Represented by its. Managing Partner
J.Babu
No.245, V.G.P.Nagar
Mogappair West
Chennai – 600037

... Respondents

Prayer: Criminal Revision filed under Section 397 and 401 of Criminal Procedure Code, praying to set aside the order in Crl.M.P.No.9237 of 2022 in C.C.No.202 of 2022 passed by the learned Metropolitan Magistrate, for Exclusive Trial of CCB & CBCID Metro Cases, Egmore, on 17.06.2022 and issue direction to the 1st respondent to return the vehicle “JAGUAR XJ3 0L” (Maroon Colour) Car, bearing Registration No.TN 06 R3459 Engine No.0845607306DT and Chassis No.SAJAC2655FTJ76187.



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For Petitioner : Mr.K.R.Ramesh Kumar
For Respondents : Mr.S.Sugendran
Additional Public Prosecutor for R1
Mr.P.Krishnan for R2

ORDER

This Criminal Revision Case has been filed seeking to set aside the order in Crl.M.P.No.9237 of 2022 in C.C.No.202 of 2022 passed by the learned Metropolitan Magistrate, for Exclusive Trial of CCB & CBCID Metro Cases, Egmore, Chennai, on 17.06.2022 and issue a direction to the 1st respondent to return the vehicle “JAGUAR XJ3 0L” (Maroon Colour) Car, bearing Registration No.TN 06 R3459 Engine No.0845607306DT and Chassis No.SAJAC2655FTJ76187.

2. The case of the petitioner is that the 1st respondent police registered the case in Crime No.296 of 2020 against the petitioner and Merck Automobiles Pvt. Ltd. for the offence under Sections 406 and 420 IPC and pending investigation, they seized the subject matter of the vehicle “JAGUAR XJ3 0L” (Maroon Colour) Car, bearing Registration No.TN 06 R3459. Subsequently, the investigation was completed and the charge sheet was filed and the same was also taken on file in C.C.No.202 of 2022. The



main allegation of the petitioner is that the subject matter of vehicle is alleged to have been purchased from the fund of the subject matter of this criminal case. Since, the vehicle is kept in the open place in the police station without any purpose even after the charge sheet is filed and the same has been taken on file, the petitioner filed a petition in Crl.M.P.No.9237 of 2022 before the Court below for return of vehicle but the learned Magistrate dismissed the same by order dated 17.06.2022. Hence, the present Revision has been filed before this Court.

3. The learned Additional Public Prosecutor appearing for the 1st respondent police would submit that the investigation has been completed and the charge sheet has also been filed and the same has been taken on file in C.C.No.202 of 2022.

4. Heard the learned counsel for the petitioner and the learned counsel for the 2nd respondent and the learned Additional Public Prosecutor appearing for the 1st respondent police.



5. It is seen that the investigation has already been completed and the charge sheet has also been filed and the same has been taken on file in C.C.No.202 of 2022. Hence, keeping the vehicle in the open place without any use, would certainly diminish the value of the vehicle. Therefore, the order passed by the learned Metropolitan Magistrate in Crl.M.P.No.9237 of 2022 in C.C.No.202 of 2022 dated 17.06.2022 is set aside.

6. The vehicle covered under Crl.M.P.No.9237 of 2022 is ordered to be released forthwith subject to the following condition;

“The petitioner shall produce necessary documents before the respondent to establish the ownership of the vehicle in question.

7. The petitioner is directed to sell the vehicle and deposit the sale proceeds before the trial Court to the credit of C.C.No.202 of 2022 within a period of one month from the date of release of the vehicle.

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

10.11.2022

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Note: Issue order copy on 28.11.2022



To

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1. The Metropolitan Magistrate, for Exclusive Trial of CCB & CBCID
Metro Cases, Egmore, Chennai-600 008
2. Inspector of Police
Team-IV, EDF -II, CCB
Chennai-600007
3. The Public Prosecutor
High Court of Madras



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P.VELMURUGAN,J.

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