



WEB COPY



Crl.R.C.No.1485 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2022

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.1485 of 2022

V.Hemalatha
W/o.Nedumaran

... Petitioner

Versus

State rep. by its
Inspector of Police
Abiramapuram Police Station
Chennai.
(Crime No.829 of 2022)

... Respondent

Criminal Revision Case filed under Sections 397 r/w 401 of Criminal Procedure Code to set aside the order passed by the learned XXIII Metropolitan Magistrate, Saidapet, Chennai in Crl.M.P.No.12057 of 2022 dated 23.08.2022.

For Petitioner : Mr.R.Paramasivam

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

This Criminal Revision Case has been filed against the order dated 23.08.2022 passed by the learned XXIII Metropolitan Magistrate, Saidapet, Chennai in Crl.M.P.No.12057 of 2022.

2. The respondent/Police registered a case in Crime No.829 of 2022 against the petitioner for the offence under Sections 420, 465 and 468 IPC and also seized the vehicle of the petitioner. Pending investigation, the Officer of the State Bank of India has filed a petition to return the property by invoking Section 451 read with Section 457 Cr.P.C. in Crl.M.P.No.12057 of 2022 before the learned XXIII Metropolitan Magistrate, Saidapet. After hearing the parties, the learned Magistrate dismissed the petition on the ground that the petitioner has not properly explained as to whether she filed the petition on behalf of the Bank or in her individual capacity. Aggrieved by the same, the petitioner has filed the present revision petition.

3. The learned counsel for the petitioner fairly submitted that the petitioner has not disclosed her identity as she has filed the petition on behalf of the State Bank of India.



4. The fact remains that the vehicle is hypothecated to the State Bank of India and Bank is the owner of the property in question as dues have not been cleared so far. Hence, the petitioner is directed to file a better affidavit before the trial Court and on hearing the learned Magistrate is directed to dispose of the petition within a short span of time on merits and in accordance with law.

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

09.11.2022

Index : Yes/No
Speaking Order/Non Speaking Order
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To

1. The XXIII Metropolitan Magistrate,
Saidapet, Chennai.
2. The Public Prosecutor,
High Court, Madras.
3. The Inspector of Police
Abiramapuram Police Station
Chennai.



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P.VELMURUGAN, J.

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