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Crl.O.P.No.29156 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2022

CORAM:

THE HONOURABLE MS JUSTICE R.N.MANJULA

Crl.O.P.No.29156 of 2022

I.Kuppuraj

...Petitioner

Vs.

The State Represented by
The Deputy Superintendent of Police,
Economic Offences wing (EOW)
Ashok Nagar, Chennai.
(Crime No.16 /2022
on the file of the Respondent Police)

...Respondent

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, seeking modification of the condition “[8] i.e. After releasing the vehicle within a month i.e., on or before 10.12.2022, the petitioner is directed to deposit a sum of Rs.55,00,000/- (Rupees fifty five lakhs) in the form of Fixed Deposit in the name of Special Judge, Special Court under TNPID Act, Chennai in the credit of Crime No.16/2022 of EOW, Chennai” imposed by the Special Court, Special Judge under the Tamil Nadu Protection of Interest of Depositors, Act, 1997 in Crl.M.P.No.4265 of 2022 dated 10.11.2022 while ordering the respondent to return of vehicle (Volvo S60 bearing number TN05CU0005) seized during the search by the respondent Police.

For Petitioner : Mr.A.Ramesh, Senior Counsel for
Mr.R.Ashwin

For Respondent : Mr.S.Santhosh,



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Government Advocate (Crl. Side)

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ORDER

This Criminal Original Petition is filed seeking modification of the condition No.8, imposed by the learned Special Judge, Special Court under the Tamil Nadu Protection of Interest of Depositors, Act, 1997 in Crl.M.P.No.4265 of 2022 dated 10.11.2022 while ordering the respondent to return of vehicle (Volvo S60 bearing number TN05CU0005) seized during the search by the respondent Police.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent.

3. The learned counsel for the petitioner submitted that even while considering the bail petition filed by the petitioner in Crl.O.P.No.23302 of 2022, this Court had observed that the petitioner had collected the amount from 35 persons and he had returned their deposits along with interest and granted bail on certain conditions. Thereafter, the petitioner filed a petition to return of vehicle seized during search on interim custody wherein the onerous



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condition of depositing a sum of Rs.55 lakhs in the form of fixed

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deposit in the name of Competent Authority/ DRO, Chennai to the credit of Crime No.16/2022 of EOW has been ordered. It is further observed in the said order that the amount can be deposited in future. The grievance of the petitioner is that though he had repaid all the dues to his investors and paying loan for the vehicle seized, he could not utilize the vehicle. Hence, the petitioner has preferred this Criminal Original petition with the aforesaid prayer.

4. On a perusal of the order of this Court, dated 27.09.2022 made in Crl.O.P.No.23302 of 2022, it is seen that the petitioner had returned the the deposits to his investors (35 persons) along with interest. Subsequently, the learned Special Judge under Tamil Nadu Protection of Interest of Depositors (in Financial Establishment) Act, 1997 had already imposed 7 conditions for return of vehicle and that itself will be sufficient to hold the vehicle without being sold or damaged till the disposal of the case. Hence, I am inclined to relax the condition No.8, imposed by the learned Special Judge, Special



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Court under Tamil Nadu Protection of Interest of Depositors Act, 1997, vide order dated 10.11.2022 in Crl.M.P.No.4265 of 2022 and the rest of the conditions will remain unaltered.

4. With the above modification, this Criminal Original Petition is allowed.

25.11.2022

vum

Index:yes/No

Speaking order / Non speaking order

Note: Time bound case

To

1. The Deputy Superintendent of Police,
Economic Offences wing (EOW)
Ashok Nagar, Chennai.
2. The Public Prosecutor,
Madras High Court,
Chennai.



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R.N.MANJULA,J.

vum

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