



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.03.2022

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C. (MD)No.7 of 2022

WEB COPY

Dharmaraj ... Petitioner/ 1st Accused

Vs

1. The State represented by
The Inspector of Police,
Sivagangai.
(Crime No.20 of 2021) ... 1st Respondent/Complainant

2. The Branch Manager,
HDFC Bank,
Behind Mariammal Kovil,
Pollachi Road,
Udumalaipettai. ... 2nd Respondent/Secured Creditor

3. The Inspector of Police,
EOW, Madurai.
(R3 impleaded as per order of this
Court dated 06.01.2022) ... 3rd Respondent

Prayer: Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C. to call for the records relating to the impugned order dated 10.12.2021 made in Crl M.P No. 5526 of 2021 and set aside the same on the file of learned Judicial Magistrate No.2, Sivagangai and allow this Criminal Revision Case.

For Petitioner : Mr.V.S.Kumaraguru

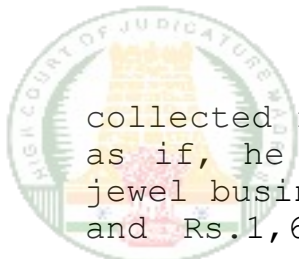
For Respondent1&3 : Mr.M.Aasha
Government Advocate (Criminal Side)

For Respondent 2 : Mr.A.Anbalagan

O R D E R

Challenging the impugned order dated 10.12.2021 passed in Crl.M.P No. 5526 of 2021, by the learned Judicial Magistrate No.2, Sivagangai, thereby, dismissing the petition filed for return of vehicle under 451 Cr.P.C, the petitioner filed this Criminal Revision Case before this Court.

2.On the complaint lodged by the complainant, the third respondent registered a case in Crime No.20 of 2021, for the offences punishable under Sections 406, 420, 468, 471, 34 IPC, alleging that the petitioner was running K.M.Samy Group of PRI and



collected money from the defacto complainant to double the amount, as if, he invest in share Trading, real estate, cinema, hotel and jewel business. Believing his said words, a sum of Rs.18,00,000/- and Rs.1,68,00,000/- were collected from other 42 victims. In pursuance of the said crime, a case has been registered, against the accused persons. Subsequently the petitioner was arrested and remanded to judicial custody. Thereafter, he was released on bail as per order in Crl.M.P.No.3286 of 2021 dated 08.10.2021. Pursuant to the said registration of FIR, vehicle belonging to the petitioner bearing Registration No.TN-56-AC-5656 was seized and produced before the Court below. The petitioner filed a petition for return of said vehicle under Section 451 Cr.P.C and the same was dismissed, for the reason that the said vehicle was purchased through the crime proceedings.

3.Even the vehicle would purchase from the crime proceedings, simply keeping the vehicle would not serve any purpose. More over, no offence is registered under TNPID Act. Therefore, no purpose would serve, if the vehicle is keeping under custody of Court.

4.In view of the above, this Criminal Revision Case is allowed and the impugned order passed in Crl.M.P No. 5526 of 2021 on 10.12.2021, by the learned Judicial Magistrate No.2, Sivagangai, is hereby set aside. The learned Judicial Magistrate No.2, Sivagangai, is hereby directed to return the vehicle bearing Registration No.TN-56-AC-5656, to the petitioner with the following conditions.

- that the petitioner is directed to produce the bank guarantee to the tune of Rs.20,00,000/- (Rupees Twenty Lakhs only), issued by any one of the Nationalized Bank, before the learned Judicial Magistrate No.2, Sivagangai;
- that the petitioner shall deposit the original Registration Certificate of the vehicle with the learned Judicial Magistrate No.2, Sivagangai;
- that the seized items should be photographed at the cost of the petitioner herein and a list is to be prepared and the same is to be signed by the petitioner;
- that the petitioner shall not alienate and shall not make any alteration in the vehicle;
- that the petitioner shall produce the vehicle before the Court and before the respondent police as and when required.
- If any of the conditions are violated, this order automatically stands cancelled.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Judicial Magistrate No.2, Sivagangai

2. The Inspector of Police,
Sivagangai.

3. The Inspector of Police,
EOW, Madurai.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.V.S.KUMARAGURU, Advocate (SR-15405[F] dated 30/03/2022)

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_RD(13.04.2022) 3P 6C