



Crl.R.C.(MD).No.1004 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.10.2022

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.R.C.(MD).No.1004 of 2022
and Crl.M.P.(MD).No.12565 of 2022

CBM Kuberan Finance,
Represented by its Branch Manager,
Kaliraj,
S/o Sangili Veeru,
No.4,Kaleeswari Complex,
Rajapalayam Road,
SNR School North Side,
Sankarankovil,
Tenkasi District.

.. Petitioner/Thirty Party

Vs.

1.The State represented by
The Inspector of Police,
Puliyangudi Police Station,
Tenkasi District.
(Crime No.226 of 2022)

.. 1st Respondent/Complainant

2.Manikandan

.. 2nd Respondent/Petitioner

PRAYER: This Civil Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to call for the records of the order dated 21.06.2022 made in Cr.M.P.No.2158 of 2022 on the file of the learned Additional District Munsif cum Judicial Magistrate, Sivagiri and set



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aside the same and consequently, handover the vehicle of Chevrolet Tavera bearing Registration No.TN 55 M 6361 as interim custody to the petitioner.

For Petitioner : Mr.T.Veerakumar

For Respondent : Mr.S.Manikandan
Government Advocate (Crl. Side)

ORDER

This Revision Petition has been preferred against the order that has been passed by the trial Court in Crl.M.P.No.2158 of 2022.

2.The facts of the case is that the above said vehicle has been seized in connection with Crime No.226 of 2022 on the file of the Puliyangudi Police Station and remanded before the trial Court in P.R.No.281 of 2022. Seeking return of vehicle one Manikandan, who is the owner of the vehicle namely TAVERA Car bearing Registration No.TN 55 M 6361, filed a petition under Section 451 Cr.P.C. before the trial Court and that was also ordered, considering the fact that the said petitioner is the owner of the property and is not connected with the above said crime.



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3.The grievance of the revision petitioner is that the above said Manikandan hypothecated the above said vehicle with the revision petitioner's finance company for obtaining loan for purchasing the same. Since the property is under hypothecation with the revision petitioner, without impleading the revision petitioner, the respondent cannot file the petition before the trial Court seeking return of vehicle. Even though verifying the RC Book, which shows that the vehicle is under hypothecation of the above said company, the trial Court wrongly ordered interim custody in favour of the 2nd respondent. According to him, not even a single pie has been repaid by the 2nd respondent in respect of the vehicle loan obtained by him.

4.If the revision petitioner is having any grievance with regard to the vehicle, he can very well approach the trial Court, which has passed the order in Crl.M.P.No.2158 of 2022, for ventilating his grievance. This revision petition is not maintainable, since the order passed by the trial Court does not suffer from any illegality or infirmity. It is also further seen that a similar application has been filed by this petitioner before the concerned Court, that was returned, since already the property was



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returned to the owner of the vehicle. So return order cannot be found fault. As I mentioned earlier, he can workout his remedy before the trial Court concerned. If any application is filed in the form of objection, the trial Court may consider it on its own merits.

5. Accordingly, with the above directions, this Criminal revision Case is dismissed. Consequently, connected miscellaneous petition is closed.

19.10.2022

Index : Yes / No
Internet : Yes / No
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To

1. The Inspector of Police,
Puliyangudi Police Station,
Tenkasi District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGO VAN,J.

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