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Crl.R.C.No.476 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2023

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.Rc.No.476 of 2023

Equitas Small Finance Banks,
represented by its Power Agent,
Mr.D.Sivakumar

... Petitioner

Vs.

1. State, represented by
SHO, Neyveli Thermal P.S.,
Cuddalore District.

2. Kannan

... Respondents

PRAYER: Criminal Revision Petition filed under Section 397 r/w 401 of Criminal Procedure Code, 1973 seeking to modify the order dated 16.12.2022 made in Crl.M.PNo.3883 of 2022 on the file of the District Munsif cum Judicial Magistrate Neyveli in Cr.No.179 of 2019 on the file of the Neyveli Thermal Police Station with regard to conditions Nos.1, 3 4 and 5 imposed in the order dated 16.12.2022 made therein and to modify the same by granting permission to the petitioner to sell the vehicle goods carrier tanker lorry bearing Regn.No.TN05 BU 3074.



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For Petitioner : Mr.A.Gouthaman
For Respondents : Mr.R.Vinothraja,
Govt.Advocate (Crl.side)

ORDER

This Criminal Revision Petition has been filed, seeking to modify the order dated 16.12.2022 made in Crl.M.PNo.3883 of 2022 on the file of the District Munsif cum Judicial Magistrate Neyveli in Cr.No.179 of 2019 on the file of the Neyveli Thermal Police Station with regard to conditions Nos.1, 3 4 and 5 imposed in the order dated 16.12.2022 made therein and to modify the same by granting permission to the petitioner to sell the vehicle goods carrier tanker lorry bearing Regn.No.TN05 BU 3074.

2. It appears that the petitioner got interim custody of the vehicle bearing Regn.No.TN-05-BU-3074 which has been seized by the respondent police in connection with Crime No.179 of 2019, vide order dated 16.12.2022 passed by the learned District Munsif cum Judicial Magistrate,



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Nevyeli, subject to certain conditions and among which, Condition nos.4 and 5 stipulates that the petitioner shall not alienate or change the nature of the property without permission of this Court and he shall produce the same as and when required in Court.

3. The learned counsel appearing for the petitioner would submit that the original owner of the vehicle had availed the loan and hypothecated the vehicle to the petitioner and as per the hypothecation agreement, the petitioner has right to seize and sell the same in public auction in case there is default in payment of loan amount by the owner of the vehicle and appropriate the sale proceeds towards loan dues. Therefore, the learned counsel seeks modification of the conditions imposed by the Court below and seeks permission to sell the vehicle.

4. The learned Govt.Advocate (crl.side) would submit that since the petitioner has been granted interim custody alone of the vehicle with conditions that the petitioner shall not alienate or change the nature of the



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property without permission of this Court and he shall produce the same as and when required in Court during the trial of the case. Hence, he would submit that the conditions are in tact which do not require to be modified.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) and perused the records available on record.

6. A perusal of the records, it reveals that the respondent police registered a case in Crime No.179 of 2019 for the offences under Sections 379, 406 and 420 IPC and also seized the vehicle and the petitioner got the interim custody of the vehicle vide order dated 16.12.2022 passed by the learned District Munsif cum Judicial Magistrate, Nevyeli, subject to certain conditions stating that the petitioner shall not alienate or change the nature of the property without permission of this Court and he shall produce the same as and when required in Court. In fact, the prosecution has to prove its case beyond all reasonable doubt and in such process, the identify of the



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offending vehicle and its driver is required to be established by the prosecution during the trial and in view of the same, generally, the interim custody would be granted by the Courts with conditions that the vehicle shall not alienated or changed its nature and shall be produced as and when required. Therefore, the conditions imposed by the Court below, in my opinion, are reasonable and the same do not required to be modified. I do not find any merit in the petition in order to entertain the same.

7. Accordingly, the Criminal Revision Case fails and it is dismissed as devoid of merits.

20.03.2023

Index: Yes/No
Internet: Yes/No
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To

1. District Munsif cum Judicial Magistrate Neyveli
2. The Public Prosecutor, High Court of Madras, Chennai.



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V.SIVAGNANAM, J.,

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