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Crl.R.C.No.1380 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

Crl.R.C.No.1380 of 2023

M/s.IDFC First Bank Limited,
Rep. by its Authorized Signatory,
Mr.Yunus Mohamed,
KRM Tower, 7th Floor,
No.1, Harrington Road, Chetpet,
Chennai-600 031.

... Petitioner

Vs.

1. The State,
Rep. by the Inspector of Police,
G-7, Chetpet Police Station,
Chennai.

2. A.Sivakumar (Borrower)

... Respondents

Prayer: Criminal Revision filed under Section 397 r/w. 401 of Criminal Procedure Code, to call for the records and modify the conditions of the orders passed by the learned Special Judge, I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai in Crl.M.P.No.1292 of 2022 in C.C.No.97 of 2022, dated 20.10.2022

For Petitioner : Mr.S.K.Mariyappan

For 1st Respondent : Mr.R.Vinothraja,
Government Advocate (Crl. Side)



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ORDER

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Challenging the orders, dated 20.10.2022 passed in Crl.M.P.No.1292 of 2022 in C.C.No.97 of 2022 by the learned Special Judge, I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai, the present Criminal Revision is filed.

2. The revision petitioner is the third party/bank who advanced loan of Rs.15,38,765/- to the 2nd respondent/accused for purchase of a Car Ford Eco Sport 1 5L DSL TI P MTBS bearing Registration No.TN 18 AP 6768 and the vehicle was hypothecated with the petitioner Bank. The respondent Police seized the vehicle in connection with Crime No.305/2021 from the borrower/accused. Therefore the revision petitioner filed a petition under Section 451 Cr.P.C., in Crl.M.P.No.1292 of 2022 before the Special Judge, I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai seeking return of the Car. The said petition was allowed on 20.10.2022 with conditions. One of the conditions imposed by the trial Court is that the petitioner should execute a bank guarantee for a sum of Rs.10,00,000/-, aggrieved over which, the present Criminal Revision is filed by the petitioner.



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3. Heard Mr.S.K.Mariyappan, learned counsel for the petitioner and Mr.R.Vinothraja, learned Government Advocate (Crl. side) appearing for the 1st respondent.

4. On 20.09.2021 at about 12.00 hours the respondent Police during a routine vehicle check up intercepted the Car, Fort Eco sports bearing Registration No.TN 18-AP-6768 at Namasivayapuram Bridge, Muthiyappan Street and found the driver of the Car illegally transporting 550 grams of Methamphetamine. The respondent Police arrested the 2nd respondent / accused and remanded him to judicial custody. The vehicle and the contraband were seized and produced before the trial Court in B.No.219/2021.

5. It is the case of the petitioner that the revision petitioner is only a financier who financed a sum of Rs.15,38,765/- to the accused for purchase of the Car Ford Eco Sport 1 5L DSL TI P MTBS bearing Registration No.TN 18 AP 6768 and the vehicle was hypothecated with them. Therefore, the petitioner Bank sought for return of the vehicle in



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order to realize the loan amount obtained by the accused. The trial Court Judge though allowed the said petition, directed the petitioner to execute a bank guarantee for a sum of Rs.10 lakhs, which according to the petitioner is onerous. The trial Court further directed the petitioner to produce the original RC Book. In this regard, it is contended that the petitioner Bank will not be in possession of the original RC Book and it would be with the person who had purchased the vehicle. Hence, he requested to modify the above said conditions.

6. Mr.R.Vinothraja, learned Government Advocate (Crl. side) did not raise any serious objection modifying the condition.

7. Considering the facts and circumstances of the case, this Court is inclined to modify the condition Nos.1 and 2 imposed by the learned Special Judge, I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai in Crl.M.P.No.1292 of 2022, dated 20.10.2022 as under:



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- i. The revision petitioner is directed to execute a bond for a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) before the Special Judge, I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai.
- ii. The Order of the trial Court, directing the petitioner to produce the original RC Book is set aside and the petitioner is directed to produce the documents related to hypothecation of the vehicle bearing Registration No.TN 18 AP 6768 before the concerned Court;
- iii. The other conditions shall remain intact.

8. With the above modification, this Criminal Revision is disposed of.

20.09.2023

Index: Yes/No
Speaking/Non-Speaking order
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R. HEMALATHA, J.

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To

- 1.The Special Judge,
I Additional Special Court for
Exclusive Trial of Cases under NDPS Act,
Chennai.
- 2.The Inspector of Police
G-7, Chetpet Police Station,
Chennai.

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20.09.2023