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W.P.No.19714 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.19714 of 2023

K.Sathiyamoorthy

.. Petitioner

Vs.

1. Inspector General of Police,
Economic office wing,
No.2, Natesan Salai,
Ashok Nagar,
Chennai - 600 083.

2. Deputy Superintendent of Police,
Economic offence wing,
No.2, Natesan Salai,
Ashok Nagar,
Chennai - 600 083

.. Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the respondents R1 and R2 to Release/dischage the petitioner's vehicle Toyota Innova Crysta bearing registration No.TN-05-CE-2157 from the case FIR No.21 of 2022 considering the petitioner's representation dated 09.06.2023.



W.P.No.19714 of 2023

For Petitioner : Mr.M.J.Sundar

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This writ petition has been filed for a direction to the respondents to release the vehicle belonging to the petitioner which was seized from the petitioner in the course of investigation in Crime No.21 of 2022.

2. Heard Mr.M.J.Sundar, learned counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor for respondents.

3. The petitioner had already filed an application before the Special Judge under the Tamil Nadu Protection of Interest of Depositors (in Financial Establishment) Act, 1997, seeking for the release / return of the vehicle in Crl MP No.5341 of 2022. This application was disposed of by the Court below through an order dated 02.01.2023, in the following terms :-



WEB COPY



W.P.No.19714 of 2023

In the result, the petition is allowed with the following conditions :-

- 1. The petitioner shall produce proof of ownership of the vehicle.*
- 2. The petitioner shall execute a bond for a sum of Rs.24,00,000/- (Rupees Twenty four lakhs only) for the vehicle TOYOTA Innova Crysta, while colour bearing Registration No TN05-e-2157 with one surety for a like sum to the satisfaction of this court.*
- 3. The petitioner shall surrender the RC book before this court and he is at liberty to get back the RC book for renewal of the registration or for getting insurance to the vehicle. The RC can be obtained from the court by filing a petition and after completion of work, the same should be returned to the court.*
- 4. The petitioner shall also file an affidavit of undertaking to the effect that he will not alienate the vehicle without obtaining an order from this court and he will produce the said vehicle before the court as and when required by this court. Further the effect that no major alteration excepting the necessary repairs to make the vehicle road worthy shall be made.*
- 5. The petitioner shall give undertaking that he will not use the vehicle for any legal activities.*



WEB COPY



W.P.No.19714 of 2023

6. The petitioner shall take the photograph all the sides of the car and produce photographs in this court.

7. The petitioner shall produce the vehicle before this court on first working by of every month until further orders.

4. The petitioner has approached this Court on the ground that the vehicle was purchased under the Hire Purchase scheme with bank of India and that the petitioner was not involved in any offence and therefore, the petitioner wants the vehicle to be released in toto. The petitioner made a representation in this regard to the respondent police and since the same did not evoke any response, the present writ petition has been filed before this Court.

5. In the considered view of this Court, there is no scope for the respondent to consider the representation made by the petitioner on 09.06.2023 and in fact, they do not have the power to release the vehicle as sought for by the petitioner. Therefore, this Court does not find any merits in this writ petition.

6. The petitioner had already approached the Court below



W.P.No.19714 of 2023

seeking for the release of vehicle and the Court below has also allowed the petition by imposing certain conditions. If the petitioner seeks for any modification in the condition on the ground that he is not in a position to produce the vehicle as directed by the Court below, the petitioner has to file an appropriate application seeking for modification of the conditions. Instead the petitioner had made a representation to the respondents which is totally unsustainable.

7. In the light of the above discussion, liberty is granted to the petitioner to file a modification petition before the Court below and seek for the appropriate remedy.

8. This writ petition is disposed of in the above terms. No costs.

05.07.2023

Index : Yes/No
Speaking order:Yes/No
Neutral citation:Yes/No
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W.P.No.19714 of 2023

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N.ANAND VENKATESH, J

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