



WEB COPY



Crl.R.C.No.286 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2024

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.R.C.No.286 of 2024

S.Ramesh

... Petitioner

Vs.

The State Rep. by
the Inspector of Police,
CCB Team XXVII,
Chennai.
(Crime No.12/2023)

... Respondent

Prayer : Criminal Revision Petition filed under Section 397 r/w. 401 of Criminal Procedure Code, To set aside the order passed by the Additional CCB Metropolitan Magistrate for the exclusive trial of CCB Cases (relating to Cheating Cases in Chennai) and CBCID Metro Cases, Egmore, Chennai - 08 in Crl.M.P.No.45708 of 2023 dated 18.10.2023 and order to return of the above said (i) oppo mobile phone model No.F17 Pro (ii) Apple Mobile Phone Model No.7+ (iii) Original Aadhaar Card (iv) Original Driving License (v) Union Bank Passbook Original (vi) ATM Card of Union Bank (Vii) Original Two Wheeler RC Book (viii) Two wheeler bike-Yamaha R15 AB5 – bike keys 2 Nos. (ix) Two



Crl.R.C.No.286 of 2024

wheeler bike Yamaha R15 AB5 (Registration No.TN63BF8229; Engine No.G3K5E0150258; Chassis No.ME1RG525AK0058847) concerned in Cr.No.12 of 2023 on the file of the respondent police to the custody of the petitioner herein.

For Petitioner : Mr.A.Arivazhagan

For Respondent : Mr.A.Gopinath,

Government Advocate (Crl. Side)

ORDER

The revision petitioner/A2 filed a petition in in Crl.M.P.No.45708 of 2023 dated 18.10.2023 and order to return of the above said (i) oppo mobile phone model No.F17 Pro (ii) Apple Mobile Phone Model No.7+ (iii) Original Aadhaar Card (iv) Original Driving License (v) Union Bank Passbook Original (vi) ATM Card of Union Bank (Vii) Original Two Wheeler RC Book (viii) Two wheeler bike- Yamaha R15 AB5 – bike keys 2 Nos. (ix) Two wheeler bike Yamaha R15 AB5 (Registration No.TN63BF8229; Engine No.G3K5E0150258; Chassis No.ME1RG525AK0058847) concerned in Cr.No.12 of 2023 on the file of the respondent police to the custody of the petitioner herein. The said petition was dismissed by the learned Metropolitan Magistrate,



Crl.R.C.No.286 of 2024

Chennai. Aggrieved over the said order, the Criminal revision is preferred by the revision petitioner.

2. The case of the prosecution is that, the petitioner along with other accused cheated the *de-facto* complainant by getting Rs.76,36,000/- for arranging a job for him in TNSTC, however, he neither arranged a job nor returned the money to the *de-facto* complainant, thereby, a criminal case was registered against the petitioner and others in Crime No.12 of 2023 under Sections 406 and 420, 506(i) and 120(B) of IPC and the schedule of properties were seized by the respondent police. Subsequently, the charge sheet was filed and the same was taken on file in C.C.No.3845 of 2023 on the file of the learned Metropolitan Magistrate for Exclusive Trial of CCB cases, Egmore, Chennai. Thereafter, the petitioner moved a petition for return of schedule of properties under Section 451 r/w 457 of Cr.P.C seeking return of schedule of properties before the learned Metropolitan Magistrate for Exclusive Trial of CCB cases, Egmore, Chennai in C.M.P.No.45708 of 2023, however, the said petition was rejected by the Trial court vide



Crl.R.C.No.286 of 2024

order dated 18.10.2023. Challenging the said rejection order, the present revision has been filed by the petitioner.

3. The learned counsel for the petitioner contended that the petitioner is arrayed as second accused in this case and he is no way connected to the alleged offences. The petitioner is the owner of the aforesaid properties and the respondent has seized the properties from the second accused, which is unsustainable. The vehicle is kept in the custody of Police in open space in the Police Station. If the vehicle is kept in an open space, the value of the same will diminish over the period of time. However, on instructions, he submitted that the petitioner, without prejudice to his rights, is ready to pay a non-refundable deposit to the credit of the case.

4. On the above contention, this Court heard the learned Government Advocate (Crl.Side) appearing for the respondent police.

5. Even though the Trial Court had negated the right of the



CrI.R.C.No.286 of 2024

petitioner for return of schedule of properties including the vehicles, however, considering the fact that keeping the vehicles in the open atmosphere would deteriorate and diminish its value and and also in view of the fact that the petitioner has voluntarily accepted to deposit a sum of Rs.20,000/- towards mobile phones and Rs.50,000/- towards two-wheeler in lieu of release of the vehicles, this Court is inclined to direct release of the Item Nos.1, 2, 8 and 9 (Mobile Phones, two wheeler and keys) of schedule of properties on condition that the petitioner deposits a sum of Rs.20,000/- and Rs.50,000/- to the credit of C.C.No.3845 of 2023 on the file of the learned Metropolitan Magistrate for Exclusive trial of CCB cases, Egmore subject to the following conditions :-

(i) The order of the learned Metropolitan Magistrate for Exclusive Trial of CCB Cases, Egmore, Chennai in Cr.M.P.No.45708 of 2023 in C.C.No.3845 of 2023, dated 18.10.2023 is set aside;

(ii) The petitioner will be entitled for return of the Two wheeler bike Yamaha R15 AB5 (Registration No.TN63BF8229; Engine No.G3K5E0150258; Chassis No.ME1RG525AK0058847) ;



Crl.R.C.No.286 of 2024

(iii) The petitioner shall produce the relevant records to prove his ownership and the learned Judge, on perusal of the copy of the RC book and other records, shall return the original documents to the petitioner with a view to use the vehicles;

(iv) The petitioner shall not alter or alienate the vehicles in any manner till adjudication is over;

(v) The petitioner shall also give an undertaking that he will not use the vehicles for any illegal activities in future and also to produce the vehicles as and when required by the respondent and by the court below and as well as by the District Collector of the District or authorized officer in that behalf by the Government;

(vi) The petitioner shall participate in the confiscation proceedings and shall produce the vehicles before the confiscation authority. This order is subjected to the confiscation proceedings; and

(vii) The petitioner shall not indulge in the similar offence either by using the present vehicles or any other vehicle. If the petitioner is found to be involved in any of similar offence in future either by way using the present vehicles or through any other vehicle, this order of returning the present vehicle shall stand automatically vacated, and the vehicle will be again seized by the



Crl.R.C.No.286 of 2024

WEB COPY

respondent/police and produced before the Court concerned.

6. Accordingly, the Criminal Revision Case is allowed in the above terms.

25.07.2024

rli

Index: Yes/No
Speaking/Non-Speaking order

To

1.The learned Additional CCB,
Metropolitan Magistrate,
CBCID Metro Cases, Egmore, Chennai
2.The Inspector of Police,
CCB Team XXVIII,
Chennai.



WEB COPY



Crl.R.C.No.286 of 2024

M.DHANDAPANI, J.

ri

Crl.R.C.No.286 of 2024

25.07.2024