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Crl.R.C.No.339 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2024

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.339 of 2024

Punitha Ramalingam

... Petitioner

Vs.

State Rep by:-

The Inspector of Police,
CCB-I, Team 28,
Job Racket Prevention,
Chennai.

... Respondent

PRAYER: Criminal Revision is filed under Section 397 r/w 482 of the Code of Criminal Procedure, to call for the records and set aside the order in Crl.M.P.No.4151 of 2024 on the file of the Additional Metropolitan Magistrate-For CCB, Cases, Egmore, Chennai, dated 30.01.2024 and modify the condition imposed to return the Maruti Suzuki Celerio VXL car bearing registration No.TN-07-CA-8759 with two keys, in Crl.M.P.No.2731 of 2024 on the file of the Additional Metropolitan Magistrate-For CCB Cases, Egmore, Chennai vide order dated 22.01.2024.

For Petitioner : Mr.P.G.Santhosh Kumar

For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor

ORDER

The petitioner/A2 has filed a return of property petition in Crl.M.P.No.2731 of 2024 before the learned Additional Metropolitan Magistrate for CCB Cases, Egmore, Chennai seeking return of car viz., Maruti



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Suzuki Celerio VXL car bearing registration No.TN-07-CA-8759. The learned Magistrate, vide order, dated 22.01.2024 ordered to return the car to the petitioner with condition to execute a bond by the petitioner for Rs.3 lakhs and another person to execute a bond for the same sum and furnish the original document of immovable property or furnish a bank deposit receipt for a same value. To modify the said condition, the petitioner filed Crl.M.P.No.4151 of 2024 before the learned Additional Metropolitan Magistrate for CCB Cases, Egmore, Chennai and the same was dismissed on 22.01.2024, against which the present criminal revision case is filed.

2.The learned counsel for the petitioner submitted that the petitioner has been falsely implicated in Crime No.13 of 2023 on the file of the respondent Police. The petitioner's husband and the defacto complainant had some civil dispute, for which, a false case projected as though the petitioner's husband collected money from the defacto complainant to secure job in electricity department. Further, the petitioner has got nothing to do with her husband's business. The respondent Police on coming to know that the petitioner's husband could not secure, arrested the petitioner on 28.10.2023 and she was in prison for sixty days and only on statutory bail, she came out from the prison.



He further submitted that the alleged date of occurrence was during the peak COVID-19 period, at that point of time, no prudent person would give money, that too to secure a job in the public sector undertaking. The respondent Police joined the defacto complainant as a recovery agent and foisted a case against the petitioner and her husband. The petitioner has got nothing to do with the alleged transaction between the defacto complainant and her husband. It is submitted that the vehicle is kept in open space exposing to vagaries of weather, further detention of vehicle would make the vehicle unusable, rusted and it would become a scrap. The petitioner is ready to comply with any condition that this Court may impose while granting return of vehicle.

3.The learned Additional Public Prosecutor appearing for the respondent Police filed counter submitting that that during investigation, the absconding accused/petitioner was arrested on 28.10.2023. In Police custody, the petitioner voluntarily comes to below mentioned articles submitted before the witnesses on 29.10.2023. Thereafter seized below mentioned articles and produced before the learned Additional Metropolitan Magistrate for CCB Cases, Egmore, Chennai on 01.11.2023 which is as follows:



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S.No.	Serial No.of Seizure Mahazar	Item	B.No. & Date
1	11	Maruthi Suzuki Celerio VXi Car No.TN-07-CA-8759 with key (2 Nos)	2370/2023 01.11.2023
2	1	HP Pavilion Aero Laptop (Gold Colour)	2370/2023 01/11/2023
3	2	Think Laptop Lenovo (Black Colour)	2370/2023 01/11/2023
4	3	OPPO Phone (Model No.CPH2495)	2370/2023 01/11/2023
5	4	OPPO Phone (Model No.CPH1937)	2370/2023 01/11/2023
6	5	Samsung Cell Phone (Model No.Galaxy A33 5G)	2370/2023 01/11/2023
7	7	Income Tax Department Card No.ALYPP2341L (Original)	2370/2023 01/11/2023
8	8	ICICI Visa Debit Card No.4017041075067105	2370/2023 01/11/2023
9	9	Indian Driving License, No.0720060011577 (Original)	2370/2023 01/11/2023
10	13	Pendrive (Sandisk – Red and Black Colour) Cruzer Blade 64 GB-1	2370/2023 01/11/2023
11	12	Villa No.30, Casa Grande, House key-03	2370/2023 01/11/2023

4.He further submitted that the seized property in this case, was partially allowed to return to the petitioner such as PAN Card (Original), Driving Licence (Original) and House key (4 Nos.) *vide* CrI.M.P.No.38 of 2024 on 04.01.2024. The petitioner again filed return of property petition before the lower Court *vide* CrI.M.P.No.2731 of 2024. On 22.04.2024, the



lower Court partially allowed the petition and returned the car viz., Maruti Suzuki Celerio VXL car bearing registration No.TN-07-CA-8759 with condition to execute a bond by the petitioner for Rs.3 lakhs and another person to execute a bond for the same sum and furnish the original document of immovable property or furnish a bank deposit receipt for a same value and deposit it before the lower Court. He further submitted that the investigation of the case is still pending for securing the absconding accused A1. The petitioner is the wife of the prime accused A1 in this case. If the said car seized from the accused is returned, it may prejudice the trial of the case and not cooperate with the investigation of the case. When such is the case, the said properties are required during trial to be marked as material object. Thus, the petitioner's claim of falsely implicating as accused is not sustainable. Hence, he strongly objected for setting aside the impugned order.

5.Considering the submissions and on perusal of the materials, it is seen that in this case, the petitioner's/A1 husband is absconding. No doubt the petitioner was arrested and she was in prison for sixty days. It is not in dispute, the petitioner is the owner of the vehicle. Except this case, the vehicle not involved in any other case. It is seen that from the date of



recovery, the vehicle is kept in open yard exposing to vagaries of weather and thereby, the value of the vehicle is getting diminished. The Hon'ble Apex Court in the case of “***Sunderbhai Ambalal Desai Versus State of Gujarat reported in 2002 10 SCC 290***”, had given guidelines in the cases of return of property to the owner.

6. In view of the above, this Court modifies the condition imposed in the order, dated 22.01.2024 in Crl.M.P.No.2731 of 2024 to the effect that the petitioner to execute a bond for Rs.50,000/- with two sureties each, for a like sum to the satisfaction of the learned Additional Metropolitan Magistrate for CCB Cases, Egmore, Chennai. The petitioner and the sureties shall affix their photographs and give the copies of their Aadhaar Card. On further conditions that

(i) The respondent Police is directed to return the car viz., Maruti Suzuki Celerio VXL car bearing registration No.TN-07-CA-8759 to the petitioner.

(ii) The petitioner shall not alter or alienate the vehicle in question till the completion of trial.

(iii) The petitioner shall take photograph of the vehicle and submit the same along with Compact Disc duly certified under Section 65-B of the Indian Evidence Act, 1872.



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(iv)The petitioner shall submit a self attested photostat copy of R.C.Book before the learned Additional Metropolitan Magistrate, CCB Cases, Egmore, Chennai.

(v) The petitioner shall produce the vehicle as and when directed to do so.

9.In view of the above, the impugned order, dated 30.01.2024 in Crl.M.P.No.4151 of 2024 is set aside and the revision is disposed of.

21.03.2024

Speaking order/Non-speaking order

Index: Yes/No

Internet: Yes

Neutral Citation: Yes/No

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To

1.The Additional Metropolitan Magistrate for CCB Cases,
Egmore, Chennai.

2.The Inspector of Police
CCB-I, Team 28,
Job Racket Prevention,
Chennai.

3.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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