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Crl.R.C.No.623 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.623 of 2022

M/s.ICICI Bank Limited,
Rep.by its Power of Attorney,
M.Karthikeyan

... Petitioner

Vs.

1.The State Rep.by
The Inspector of Police,
Bank Fraud Investigation Wing Team-XII,
Central Crime Branch,
Vepery, Chennai-600 007.
Crime No.179/2021.

2.G.Kamalakannan

3.M/s.Kalaiselvi Food Products Private Limited,
Proprietor by A.Jayaraman

4.Swaminatha Sundaram,
Senior Manager,
Punjab National Bank,
Abhiramapuram Branch,
Chennai-600 018.

... Respondents



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PRAYER : Criminal Revision Case filed under Section 397 read with 401 of the code of Criminal Procedure, to set aside the order of the CCB and CBCID Metropolitan Magistrate, Egmore, Chennai-600 008 dated 28.03.2022 in Crl.M.P.No.2190 of 2022 in CNR No.TNCHOF-003431-2022 in CCB Crime No.179 of 2021 and direct return of Volvo Car XC 90 D5 Model White Colour bearing Registration No.TN 06 AK 6666 (Engine No.3738669 and Chasis No.YVILF68ACM1674124) to the petitioner.

For Petitioner : Mr.S.Vasudevan

For Respondents : Mr.A.Gopinath
Government Advocate (Crl.side)
for R1
Mr.D.Thirunavukkarasu for R2
Mr.R.Kannabiran for R3
Mr.J.Arun Prasad for R4

ORDER

The Criminal Revision Case has been filed to set aside the order dated 28.03.2022 passed by the CCB and CBCID Metropolitan Magistrate,



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Egmore, Chennai-600 008 in Crl.M.P.No.2190 of 2022 in CNR No.TNCHOF-003431-2022 in CCB Crime No.179 of 2021 and return Volvo Car XC 90 D5 Model White Colour bearing Registration No.TN 06 AK 6666 (Engine No.3738669 and Chasis No.YVILF68ACM1674124) to the petitioner.

2. The learned counsel appearing for the petitioner submits that the petitioner is ICICI Bank Limited and the second respondent was arrested relating to Crime No.179 of 2021 which was registered for the offences punishable under Sections 465, 467, 468, 471 and 472 and 120B IPC, based on the complaint given by the fourth respondent on the ground that the accused person availed house loan from the fourth respondent/defacto complainant and the said amount was not repaid, and a Volvo Car was seized from him during the time of arrest. The said car was owned by the third respondent and the third respondent has purchased the car by availing loan of Rs.65,00,000/- from the petitioner Bank, however, the third respondent has not paid the loan amount to the petitioner Bank. Therefore,



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the petitioner has filed a petition seeking interim custody of the vehicle, however, it was dismissed vide impugned order dated 28.03.2022. Challenging the same, the present petition was filed.

3. The learned counsel appearing for the petitioner submits that this Court may grant liberty to the petitioner as well as the fourth respondent Bank to sort out the issue between them and file a joint claim petition in the manner known to law.

4. The learned counsel appearing for the fourth respondent has no objection to the submission made by the learned counsel appearing for the petitioner.

5. In view of the limited request made by the learned counsel appearing for the petitioner, this Court, without interfering with the impugned order dated 28.03.2022 passed by the trial Court, grants liberty to the petitioner as well as the fourth respondent to sort out the issue between



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them and file a joint claim petition before the concerned Court in the manner known to law.

6. Accordingly, the Criminal Revision Case is disposed of.

16.07.2024

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

ssb

To

1. The learned CCB and CBCID Metropolitan Magistrate, Egmore, Chennai-600 008.

2. The Inspector of Police,
Bank Fraud Investigation Wing Team-XII,
Central Crime Branch,
Vepery, Chennai-600 007.

3. The Public Prosecutor,
High Court, Madras.



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M.DHANDAPANI, J.

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