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CrI.RC.No.1007 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2024

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

CrI.RC.No.1007 of 2024

B.Chandrasekaran

...Petitioner

Vs.

1. State rep by Inspector of Police,
Fairlands Police Station,
Cr.No.355 of 2018
2. Area Collection Manager (CV loans),
India Info Line Finance Ltd.,
No.4/28, First Floor, Saratha College Main Road,
Alagapuram, Salem.

...Respondents

Criminal Revision case filed under Section 397 r/w 401 of Cr.P.C. to set aside the order passed in CrI.MP.No.1289 of 2023 dated 28.02.2024 on the file of Judicial Magistrate No.V, Salem and allow the above Criminal Revision Petition.

For Petitioner : Mr.R.Nalliyappan

For Respondents : Mrs.G.V.Kasthuri,
Additional Public Prosecutor, for R1
: Ms.Ra.Shivadhara Adhiyaman, for R2



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ORDER

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This Criminal Revision case has been filed seeking quashment of the order passed in Crl.MP.No.1289 of 2023 dated 28.02.2024 on the file of Judicial Magistrate No.V, Salem.

2. The case of the petitioner is that, he is the owner of the Ashok Leyland 3118 vehicle bearing Regn.No.KA-51-AB-0303 and he has all the relevant original documents with him. While so, the 2nd respondent/defacto complainant, who is the Area Collection Manager, (CV loans), India Info Line Finance Ltd., made a complaint before the law enforcing agency alleging that on 18.05.2017, one S.Vinothkumar approached the finance company and obtained a loan for a sum of Rs.20,83,261/- for purchase of Ashok Leyland 3118 and the loan amount was paid to T.V.Sundram Iyengar & Sons Pvt. Ltd through RTGS and as per Invoice, the Ashok Leyland 3118 bearing Engine No.HCPZ120230 and Chasis No.MB1KACFD8HPFX5477, which is hypothecated with the defacto complainant's finance has been delivered to the said Vinothkumar. However, the said Vinothkumar failed to pay the EMI and thereafter upon verification they found that the vehicle is



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registered in the state of Karnataka bearing Regn.No.KA-51-AB-0303 in the petitioner's name and the chasis number was manipulated as MB1KACFD8HPFP9612 instead of MB1KACFD8HPFX5477. Thereby, the law enforcing agency registered a case against the said Vinothkumar and others for the offence u/s. 420, 465, 468 and 471 of IPC and pursuant to the same, the 1st respondent seized the petitioner's vehicle. Hence, the petitioner filed a petition under Section 451 of Cr.P.C. in CRL.MP.No.1289 of 2023 seeking return of the said vehicle. However, the trial court, without considering any of the said facts, vide impugned order dated 28.02.2024 dismissed the said petition. Challenging the same, the petitioner has come up with this revision.

3. Learned counsel for the petitioner submitted that, admittedly the petitioner is the owner of the vehicle and he did not commit any offence as alleged by the prosecution and he purchased the said vehicle from one Murugan for a sum of Rs.21,50,000/- in the year 2019 and after the said purchase, the records were also transferred to the petitioner's name. Even then, the law enforcing agency had seized the petitioner's vehicle, which is



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not sustainable. Since the petitioner's vehicle has been seized and is being kept in open place, the vehicle is prone to corrosion and deterioration by being in open atmosphere, thereby, the value of the vehicle would diminish over a period of time. Further, for the purpose of his livelihood, the petitioner requires his vehicle as otherwise, he would be put to hardship and irreparable loss. Therefore, the petitioner filed petition under Section 451 Cr.P.C. for interim custody of the vehicle, pending trial, which has since been dismissed, leading to the filing of the present revision petition. Learned counsel further submits that the petitioner is ready to comply with any conditions imposed by this Court and, accordingly, prays for allowing this criminal revision petition.

4. On the above said contentions, heard learned counsel appearing on behalf of the respective respondents and perused the materials available on record.

5. It is the claim of the petitioner that he purchased the subject vehicle from one Murugan, after making necessary payment. On the other hand, the



2nd respondent made a complaint stating that, the petitioner along with other accused persons manipulated the Chasis Number of the subject vehicle and cheated the 2nd respondent finance company.

6. A perusal of the materials placed on record reveals that the invoice claimed to be issued by T.V.Sundram Iyengar & Sons Pvt. Ltd, Haridwar, Tatarakhand based on which the 2nd respondent's finance company issued loan itself is a bogus one and there is no such branch of T.V.Sundram Iyengar & Sons Pvt. Ltd is situated at Uttarkhand.

7. Be that as it may. Pending trial, returning the subject vehicle to the petitioner may lead to a hurdle in the investigation and there are high chances of petitioner altering the nature of the vehicle. Merely because the name of the petitioner does not find place in the FIR cannot be taken as a ground to absolve the petitioner and solely on the said ground it cannot be inferred that the petitioner has no nexus with the offence unless the investigation is completed. Since the complicity of the petitioner in the offence would be clear only after completion of investigation, it would not



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be in the interest of the prosecution to have the vehicle given interim custody to the petitioner, as the vehicle is a material object, which is connected with the commission of the offence.

8. In the above backdrop of the factual scenario, rightly appreciating the aforesaid facts, the trial court had rejected the plea of the petitioner for interim custody of the vehicle, which cannot be said to be perverse, arbitrary or illegal and, therefore, the said order does not deserve any interference of this Court.

9. For the reasons aforesaid, this Criminal Revision petition stands dismissed.

27.06.2024

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Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No



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To

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1. The Inspector of Police,
Fairlands Police Station.
2. The Public Prosecutor,
High Court, Madras.
3. The Judicial Magistrate No.V,
Salem.



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M.DHANDAPANI, J.

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