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CrI.O.P.No.15445 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

CrI.O.P.No.15445 of 2024

U.R.Siddharthan
S/o.Ramalingam
Assistant Manager,
International Asset Reconstruction Company Pvt.Ltd.,(IARC),
Mumbai
(IARC Rep.by its Power Agent) ... Petitioner

Vs.

1.The State Rep.by
The Inspector of Police,
Paravakottai Police Station,
Thiruvarur District.
(Crime No.179 of 2019)

2.A.Vasudevan ... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleased to direct the learned Judicial Magistrate-II, Mannargudi to number the petition filed by the petitioner in CrI.M.P.No.1704 of 2024 in Crime No.179 of 2019.

For Petitioner : Mr.V.Selvaraj

For R1 : Mr.K.M.D.Muhilan
Government Advocate (CrI.Side)



CrI.O.P.No.15445 of 2024

ORDER

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The petitioner herein, the Assistant Manager of International Asset Reconstruction Company Private Limited. The grievance of the petitioner is that the vehicle bearing registration No.TN 19 F 5265 was seized from the 2nd respondent Vasedevan for the alleged transportation of mines and minerals. The said vehicle was initially hypothicated from TVS Credit Service Limited and therefore, having coming to know about the seizure of the vehicle in connection with Crime No.179 of 2019 pending on the file of the Paravakottai Police Station, the creditor namely TVS Credits Service Limited through their representative one Mr.Chandrasekaran filed an applicatrion in CrI.M.P.No.98 of 2022 for temporary custody of the vehicle.

2. The learned Principal Sessions Judge, Thiruvarur has allowed the application on 24.11.2022 imposing certain conditions. The order passed by the Principal Sessions Judge indicates that the interim custody of the vehicle been handed over jointly to the petitioner Chandrasekar and the accused Vasudevan. The petitioner Chandrasekar was directed to deposit a sum of Rs.95,000/- on or before 26.12.2022.



Crl.O.P.No.15445 of 2024

The TVS company which has advanced loan for the vehicle had not proceeded further to take interim custody of the vehicle. However, by deed of assignment, in favour of the International Asset Reconstruction company had transferred all the recoverable of reconstruction company to IARC. On the strength of the said assignment, fresh application has been filed for return of vehicle by one Siddharthan who is the Deputy Manager of IARC before the Judicial Magistrate-II, Mannargudi. The petition been returned on the ground that when already the order been passed by the Principal Sessions Judge, Thiruvarur regarding interim custody of the vehicle, a petition before the Magistrate Court for the very same relief is not maintainable.

3. The learned Government Advocate (Crl.Side) appearing for the respondent police submits that on completion of investigation final report filed and pending in P.R.C.No.49 of 2021 and not yet committed to the Court of Sessions, since summons to A1-Kumaran yet to be served.

4. From the submissions made by the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side), this Court presumed that so far no confiscation proceedings



CrI.O.P.No.15445 of 2024

initiated, the matter not yet committed to the Court of Sessions, the earlier order for return of interim custody of the vehicle to TVS company and the accused jointly was passed by the Sessions Court.

5. The learned counsel referring the judgment of this Court, which has clarified the jurisdiction of the Court to decide about the return of vehicle involved in a case relating to Mines and Minerals Act, would submit that after the said clarified judgment rendered by this Court on 29.01.2024 only the Judicial Magistrate is competent to deal with the application for return of vehicle.

6. Even if it is so, the reason for not proceeding with the earlier order of the Court not been properly explained in his petition. Further, after the earlier order passed for return of vehicle/interim custody to one Chandrasekar and the accused Vasudevan, which was passed on 24.11.2022 the final report been filed. Hence, the petitioner herein is directed to file a fresh petition for return of vehicle explaining the reason why the earlier order was not given effect and also file consent affidavit from Chandrasekar as well as the accused Vasudevan along with the application. On such presentation of the petition, the Judicial Magistrate



CrI.O.P.No.15445 of 2024

shall take appropriate decision in accordance with law.

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7. With the above observation, this Criminal Original Petition is disposed of.

02.07.2024

Index : Yes/No

Neutral Citation : Yes/No

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To

1.The Judicial Magistrate-II, Mannargudi.

2.The Inspector of Police,
Paravakottai Police Station,
Thiruvarur District.

3.The Public Prosecutor,
High Court of Madras,
Chennai.

Dr.G.JAYACHANDRAN,J.

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CrI.O.P.No.15445 of 2024

CrI.O.P.No.15445 of 2024

02.07.2024