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Crl.R.C.No.1950 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2024

CORAM :

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

Crl.R.C.No.1950 of 2023

Ramesh

... Petitioner

Vs.

The Inspector of Police,
Anti Job racket wing,
Team 28, Central Crime Branch,
Veppery, Chennai.
(Crime No.260 of 2022)

... Respondent

Prayer : Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C, praying to call for the records related to the order dated 07.09.2023 passed in Cr.M.P.No.37484 of 2023 in C.C.No.2780 of 2023 in Cr.No.260 of 2023 on the file of the learned Metropolitan Magistrate for Exclusive trial of CCB cases, Egmore and set aside the same and consequently direct the respondent police to return the schedule property to the petitioner herein.

For Petitioner : Mr.G.Mohana Krishnan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)



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ORDER

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The petitioner/A1 in C.C.No.2780 of 2023 filed a petition seeking return of properties of 11 items, viz., Maruti Suzuki Alto Car, Honda Bike, Printer, Computer, Cell Phones, Driving License, Laptop, Bank ATM cards, Bank cheque books, CCTV equipment and wall clock. The trial court by order dated 07.09.2023 in Cr.M.P.No.37484 of 2023 dismissed the same, against which the present revision.

2. The case of the prosecution is that, the petitioner cheated the *de-facto* complainant by getting Rs.1,50,000/- for arranging a job for the younger daughter of the *de-facto* complainant in Singapore, however, he neither arranged a job nor returned the money to the *de-facto* complainant, thereby, a criminal case was registered against the petitioner in Crime No.260 of 2022 under Sections 406 and 420 of IPC r/w Sections 10 and 24 of Emigration Act 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.2780 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



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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.37484 of 2023, however, the said petition was rejected by the Trial court vide order dated 07.09.2023. Challenging the said rejection order, the present revision has been filed by the petitioner.

3. The learned counsel appearing for the petitioner submitted that the car was purchased much before the registration of the case i.e., on 26.08.2021 and even the wall clock has been seized and for what purpose it has been seized, no reason has been given. Further, he submitted that, inspite of the seizure of the vehicles, keeping the vehicles in disuse and in the open atmosphere would result in deterioration of the vehicles and diminishing its value, the petitioner was constrained to file the petition under Section 451 r/w 457 of Cr.P.C seeking return of the schedule of properties, which includes the vehicles. However, on instructions, he submitted that the petitioner, without prejudice to his rights, is ready to pay a non-refundable deposit of a sum of Rs.1,00,000/- towards four-wheeler and Rs.25,000/- towards two-wheeler to the credit of the case.



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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 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 also in view of the fact that the petitioner has voluntarily accepted to deposit a sum of Rs.1,00,000/- towards four-wheeler and Rs.25,000/- towards two-wheeler in lieu of release of the vehicles, this Court is inclined to direct release of the Item Nos.1, 2 and 5 to 10 of schedule of properties on condition that the petitioner deposits a sum of Rs.1,00,000/- and Rs.25,000/- to the credit of C.C.No.2780 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.37484 of 2023 in C.C.No.2780 of 2023, dated 07.09.2023 is set aside;



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(ii) The petitioner will be entitled for return of the Four Wheeler Maruti Suzuki (Alto LXI) bearing Regn.No.TN-12-AP-9320, Chasis No.MA3EUA61S00H73083, Engine No.F8DN6521462 and Two Wheeler Honda (CB Shine FDBKS ESWCW) bearing No.TN-12-S-1729, Chasis No.ME4JC655AHT000468, Engine No.JC65ET1001553;

(iii) The petitioner shall produce the original RC Book of the vehicles and other relevant records to prove his ownership and the learned Judge, on perusal of the RC book and other records, retaining the Xerox copy of the same, 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;



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(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 vehicles (Four Wheeler Maruti Suzuki (Alto LXI) bearing Regn.No.TN-12-AP-9320, Chasis No.MA3EUA61S00H73083, Engine No.F8DN6521462 and Two Wheeler Honda (CB Shine FDBKS ESWCW) bearing No.TN-12-S-1729, Chasis No.ME4JC655AHT000468, Engine No.JC65ET1001553), shall stand automatically vacated, and these vehicles will be again seized by the respondent/police and produced before the Court concerned.

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

24.04.2024

Index : Yes / No
Speaking order / Non-speaking order
NCC : Yes / No
sp



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- To
- 1.The Metropolitan Magistrate for Exclusive trial of CCB cases,
Egmore.
 - 2.The Inspector of Police,
Anti Job racket wing,
Team 28, Central Crime Branch,
Veppery, Chennai.
 - 3.The Public Prosecutor,
High Court of Madras.



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M.DHANDAPANI, J.

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