



WEB COPY



Cr1.RC(MD)No.863 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 21/10/2024

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGOVAN

Cr1.RC(MD)No.863 of 2024

Palak Pateriya :Petitioner/Owner of the
Property

Vs.

State through the
Inspector of Police,
Vigilance and Anti-Corruption,
Dindigul. : Respondent/Complainant

Prayer: This Criminal Revision is filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to the impugned order passed by the Chief Judicial Magistrate, Dindigul in Cr.M.P No.3188 of 2024, dated 27/03/2024 and set aside the same as illegal.

For Petitioner : Mr.V.Balaji

For Respondent : Mr.R.Meenakshi Sundram
Additional Public Prosecutor

O R D E R

This revision is filed against the order passed by the Chief Judicial Magistrate, Dindigul in Cr.M.P No.3188 of 2024, dated 27/03/2024 and set aside the same as illegal.



2. The facts in brief:-

A complaint was lodged by one T.Suresh Babu, Chief Civil Surgeon, Government Medical College Hospital, Dindigul. Over which, a case in Crime No.6 of 2023 was registered by the Inspector of Police, Vigilance and Anti-Corruption, Dindigul. The accused namely Ankit Tiwari, Enforcement Officer attached to the Deputy Director, Enforcement Directorate, Sub Zone Office, Madurai, was arrested on 01/12/2023 for having demanded and accepted the bribe amount of Rs.20,00,000/- from the complainant. His car bearing registration No.MP-04-EA-1876 was stopped near Kozhinjipatti NHAI Toll Gate on Dindigul to Madurai Highways. The Car along with the other material objects were seized, remanded to judicial custody, assigning RPR No.49 of 2023.

3.During the course of investigation, it was found that the car belongs to the present petitioner namely Palak Pateriya namely the wife of the accused.

4.The Enforcement Directorate filed WP(Cr1.)No.23 of 2024 before the Hon'ble Supreme Court seeking transfer of the investigation to the case of Central Bureau of Investigation. The Hon'ble Supreme Court stayed the further investigation in this crime number and directed the respondent herein to produce the materials collected during



Crl.RC(MD)No.863 of 2024

the course of investigation. Later, interim order was extended. In the meantime, the impugned petition was filed by the petitioner before the Special Court seeking interim custody of the vehicle in Crl.MP No.3188 of 2024. That was dismissed by the Special Court stating that forensic science analysis report is not yet recovered so far. Apart from that, pending of the writ petition before the Hon'ble Supreme Court was also cited.

5.Against which, this revision is preferred by the petitioner.

6.Heard both sides.

7.The learned counsel appearing for the petitioner would submit that since the investigation concerning this subject property is completed, she may be granted with interim custody of the seize vehicle. Further if the vehicle is kept in the open place, it will be damaged because of rain and sunlight.

8.Per contra, the learned Additional Public Prosecutor would submit that stay order has been passed by the Hon'ble Supreme Court. The investigation is stayed and depending upon the out come of the Hon'ble Supreme Court order, further investigation has to be taken. It is too a



Cr1.RC(MD)No.863 of 2024

premature stage to return the vehicle to the petitioner. He would further submit that the Car may be required for further investigation depending upon the order to be passed by the Hon'ble Supreme court. So, he made objection.

9.Records have been called for and perused and the order of the Hon'ble Supreme court is placed before me.

10.The question which arises for consideration is when the stay order is passed by the Hon'ble Supreme Court in force, whether it is proper on the part of this court to entertain and release the vehicle for interim custody.

11.Whether the property is required any more for the purpose of investigation, it can be taken out only after the disposal of the WP filed before the Hon'ble Supreme. Till then, no opinion can be recorded as to the requirement of the property for further investigation. Depending upon the order of the Hon'ble Supreme Court, further action may be taken by the parties.

12.With the above said observation, this revision stands **dismissed**.

21/10/2024

Index : Yes/No
Internet : Yes/No
er



Cr1.RC(MD)No.863 of 2024

To,

- 1.The Chief Judicial Magistrate,
Dindigul.
- 2.The Inspector of Police,
Vigilance and Anti-Corruption,
Dindigul.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Cr1.RC (MD) No.863 of 2024

G. ILANGO VAN, J

er

Cr1.RC (MD) No.863 of 2024

21/10/2024