



Crl.R.C.No.631 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C.No.631 of 2025

Madhivanan

... Petitioner

Vs

The State Rep.by,
The Inspector of Police,
District Crime Branch Police Station,
Coimbatore.

... Respondent

PRAYER: Criminal Revision Case is filed under Section 438 read with Section 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records in C.M.P.No.1009 of 2024 in Cr.No.22/2023 on the file of the District Munsif cum Judicial Magistrate, Madukkarai and set aside the order dated 05.08.2024.

For Petitioner : Mr.K.Balasubramaniam

For Respondent : Mr.A.Gopinath

Government Advocate (Crl.side)

ORDER

This petition has been filed challenging the order passed in C.M.P.No.1009 of 2024 in Cr.No.22 of 2023 on the file of the District Munsif cum Judicial Magistrate, Madukkarai, thereby dismissing the petition filed for return of Ashok Leyland Tipper Lorry bearing Registration No. TN 42 D 5312.



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2. Heard the learned counsel appearing on either side and perused the materials placed on record.

3. The petitioner owned Ashok Leyland Tipper Lorry bearing Registration No.TN 42 D 5312. While being so, the respondent Police registered FIR in Crime No.22 of 2023, for the offences punishable under Sections 408 and 420 of IPC as against the petitioner's wife alleging that the complainant is the dealer of Bharat Petroleum Corporation Ltd., in which the petitioner's wife was appointed to take care of the day-to-day operation of the petrol bunk including accounts. Thereafter, the petitioner's wife resigned the job. Later, the respondent found that there was misappropriation of money to the tune of Rs.73 Lakhs from the year 2019-2023. Pursuant to the registration of FIR, the lorry owned by the petitioner was seized by the respondent, on the ground that the said lorry was purchased from the crime proceeds.

4. The learned counsel for the petitioner would submit that the said lorry was purchased even before the joining of the petitioner's wife in the petrol bunk owned by the defacto complainant. Therefore, the lorry was not purchased from the crime proceeds. In fact, the property owned by the petitioner's wife was already seized.



Crl.R.C.No.631 of 2025

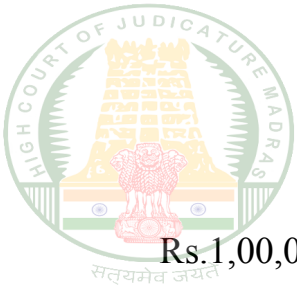
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5. The learned Government Advocate (Crl.side) would submit that the investigation in Crime No.22 of 2023 is still pending. The lorry has been seized on the ground that it was purchased from the crime proceeds.

6. A perusal of records revealed that according to the case of the defacto complainant, the petitioner's wife had misappropriated funds to the tune of Rs.73 Lakhs from the year 2019-2023. The specific case of the petitioner is that the said lorry was purchased even before the joining of the petitioner's wife in the petrol bunk owned by the defacto complainant. That apart, no purpose would be served, if the lorry is kept idle. Further, already the property owned by the petitioner's wife was seized by the respondent.

7. In view of the above, the order passed in C.M.P.No.1009 of 2024 in Cr.No.22 of 2023 dated 05.08.2024, on the file of the District Munsif cum Judicial Magistrate, Madukkarai, is hereby set aside. The District Munsif cum Judicial Magistrate, Madukkarai is directed to return the Ashok Leyland Tipper Lorry bearing Registration No. TN 42 D 5312 to the petitioner, forthwith on the following conditions:-

(i) the petitioner is directed to execute a bond for a sum of



Crl.R.C.No.631 of 2025

Rs.1,00,000/- (Rupees One Lakh only) to the satisfaction of the concerned Magistrate to the credit of Crime No.22 of 2023 pending on the file of the respondent police.

(ii) the petitioner shall deposit the original registration certificate of the vehicle with the concerned Magistrate.

(iii) the seized item should be photographed at the cost of the petitioner herein and a list is to be prepared and the same is to be signed by the petitioner.

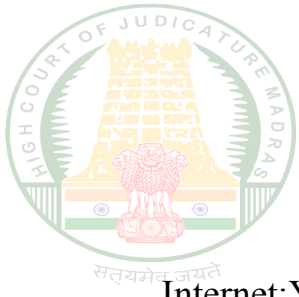
(iv) the petitioner shall not alienate and shall not make any alteration in the vehicle.

(v) the petitioner shall produce the vehicle before the Court and before the respondent police as and when required;

(vi) If any of the conditions are violated, this order automatically stands cancelled.

8. Accordingly, the Criminal Revision Case stands allowed.

03.06.2025



Crl.R.C.No.631 of 2025

Internet: Yes

Index: Yes/No

Speaking/Non speaking order
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Crl.R.C.No.631 of 2025

G.K.ILANTHIRAIYAN. J.

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To

1. The District Munsif cum Judicial Magistrate,
Madukkarai.

2. The Inspector of Police,
District Crime Branch Police Station,
Coimbatore.

3. The Public Prosecutor,
High Court, Madras.

Crl.R.C.No.631 of 2025

03.06.2025