



Crl.R.C.(MD)No.1373 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.06.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.R.C.(MD)No.1373 of 2023

Sundaram Finance Ltd.,
represented by S.K.Kamalanand,
its Regional Legal Officer,
No.11/16, First Floor,
G.V.Complex, Bye Pass Road,
Madurai-625 010.

... Petitioner

Vs.

1.State of Tamil Nadu rep. by
The Deputy Superintendent of Police,
E.O.W Trichy.
(Crime No.78 of 2021)

2.Afsal Rahman

... Respondents

PRAYER : Criminal Revision Case filed under Section 397 r/w 401 of Cr.P.C, to call for the records relating to the Impugned Order in Crl.M.P.No.236 of 2023 in Cr.No.78 of 2021 dated 25.9.2023 passed by the Learned Special Court under TNPID Act Case, Madurai and set aside the same in so far as it relates to rejection of permission to sell the vehicle bearing Registration No.TN 49 BQ 6384 is concerned.

For Petitioner : Mr.M.Maran



Crl.R.C.(MD)No.1373 of 2023

WEB COPY

For R1

: Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)

For R2

: Mr.A.Senthil Kumar

ORDER

Challenging the order passed by the TNPID Court, Madurai in Crl.M.P.Nos.236 of 2023 in Crime No.78 of 2021 on the file of E.O.W Tiruchirapalli, this criminal revision case is filed.

2. This petitioner has filed a petition under Section 451 of Cr.P.C to hand over Mahindra Xylo car bearing Chasis No.MA1YA2JJKJ2H26567, Engine No.JJJ4H84447, Registration No.TN-49-BQ-6384 to the petitioner's custody and grant leave to sell the said vehicle as per the condition mentioned in the loan agreement vide contact no.N011900413, dated 20.09.2018.

3. It is the case of the petitioner that the 2nd respondent had purchased the said vehicle availing credit facility from the petitioner for an amount of Rs.10,97,385/- as per loan agreement entered between the petitioner as well as the 2nd respondent on 20.09.2018. In the meanwhile,



Crl.R.C.(MD)No.1373 of 2023

WEB COPY

the said vehicle is seized in Crime No.78 of 2021 on the file of the 1st respondent and remanded before the learned Trial Court in R.P.R.No.17 of 2023. Though the learned Trial Court had allowed the petition for return of property partly, had imposed a condition that the petitioner should not sell the property till the disposal of the criminal case concerned.

4. Challenging the said petition, the learned counsel for the petitioner submitted that the said four wheeler is immaterial to the facts and circumstances of the TNPID case concerned and the 2nd respondent had borrowed a huge amount and he is a defaulter and it is the right of the petitioner to get it sold out since the 2nd respondent had defaulted payment in his loan.

5. Per contra, the learned Government Advocate (Crl.Side) submitted that each and every property seized in a TNPID case is necessary for the purpose of adjudicating the crime concerned by the learned Trial Court and hence, there is no necessity to interfere with the impugned order by setting aside the said condition.



Crl.R.C.(MD)No.1373 of 2023

WEB COPY

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the 1st respondent.

7. Considering the fact that the property sought to be returned by the petitioner has been seized by the 1st respondent police in the TNPID case and as rightly recorded by the learned Trial Court that in a TNPID case properties seized under TNPID Act, both movable and immovable are very significant for the adjudication of the crime. The learned Trial Court has duly appreciated the diminishing nature of the property involved, had allowed the petition for return of property partly. I do not find any infirmity in the condition imposed by the learned Trial Court directing the petitioner not to sell the vehicle till the disposal of the crime and the same need not be interfered. However, the surety imposed by the learned Trial Court to a tune of Rs.15 Lakhs is reduced to Rs.10 Lakhs.

8. Accordingly, this Criminal Revision Case is dismissed.

05.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
gbg



Crl.R.C.(MD)No.1373 of 2023

WEB COPY

- 1.The Special Court under TNPID Act Case,
Madurai.
- 2.The Deputy Superintendent of Police,
E.O.W Trichy.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.R.C.(MD)No.1373 of 2023

L.VICTORIA GOWRI ,J.

gbg

Order made in
Crl.R.C.(MD)No.1373 of 2023

Dated: 05.06.2025