

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 14.12.2016
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.O.P.No.26413 of 2016

Ravichandran

[Petitioner]

Vs

State rep.by its
The Inspector of Police,
West Police Station, Pollachi
in Crime No.214 of 2016,
Coimbatore District.

[Respondent]

Petition filed under Section 482 of the Criminal Procedure Code, to set aside the order passed by the I Additional District and Sessions Judge, Coimbatore in Crl.R.P.No.18 of 2016 dated 25.10.2016 and modify the Condition No.1 imposed in Crl.R.P.No.18 of 2016 dated 25.10.2016 so as to enable to furnish security for the value of vehicle before the Judicial Magistrate-II, Pollachi thereon, that is, directing the court concerned not to insist and pressure the petitioner to produce the solvency certificate and property documents for the value of vehicle in connection with Crime No.214 of 2016 on the file of the respondent.

For Petitioner : Mr.P.Kalimuthu

For Respondent : Mr.C.Emalias,
Additional Public Prosecutor

सत्यमेव जयते
O R D E R

This Criminal Original Petition has been filed to modify the first condition imposed by the I Additional District and Sessions Judge, Coimbatore in Crl.R.P.No.18 of 2016 dated 25.10.2016 directing the petitioner to furnish security for the value of the vehicle, and also for a direction not to insist the petitioner to produce the solvency certificate.

2.Originally, the petitioner's auto-rickshaw bearing Registration No.TN-41-AA-6591 was seized by the respondent police stating that the same was used for commission of offence. Against the same, a petition was filed before the learned Judicial Magistrate-II, Pollachi for return of vehicle, but the

same was dismissed. Against the order passed by the Judicial Magistrate, a revision was filed before the I Additional District and Sessions Judge, Coimbatore. The learned I Additional District and Sessions Judge, Coimbatore, set aside the order passed by the Judicial Magistrate and passed an order for return of the vehicle in question on interim custody, to the petitioner, upon certain conditions. The first condition is to furnish security for the value of vehicle before the Judicial Magistrate Court. Now, the present Criminal Original Petition is filed before this Court seeking to modify the first condition imposed and also for a direction not to insist the petitioner to produce solvency certificate.

3.The learned counsel for the petitioner submitted that the value of the vehicle is less than Rs.1 lakh and hence the conditions imposed is onerous. He also submitted that the petitioner will not alienate the vehicle and will produce the same as and when required.

4.Mr.C.Emalias, learned Additional Public Prosecutor, takes notice for the respondent.

5.Considering the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner, the first condition imposed by the learned I Additional District and Sessions Judge, Coimbatore is modified to the effect that the petitioner shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh Only) to the satisfaction of the Judicial Magistrate-II, Pollachi. Further, the solvency certificate need not be insisted from the petitioner. Rest of the conditions imposed by the learned I Additional District and Sessions Judge, Coimbatore shall remain unaltered.

6.The Criminal Original Petition is disposed of accordingly.

सत्यमेव जयते

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Inspector of Police,
West Police Station, Pollachi
in Crime No.214 of 2016,
Coimbatore District.

2.The Judicial Magistrate-II, Pollachi.

3.The I Additional District and Sessions Judge, Coimbatore.

4.The Public Prosecutor,
Madras High Court,
Chennai-600 104.

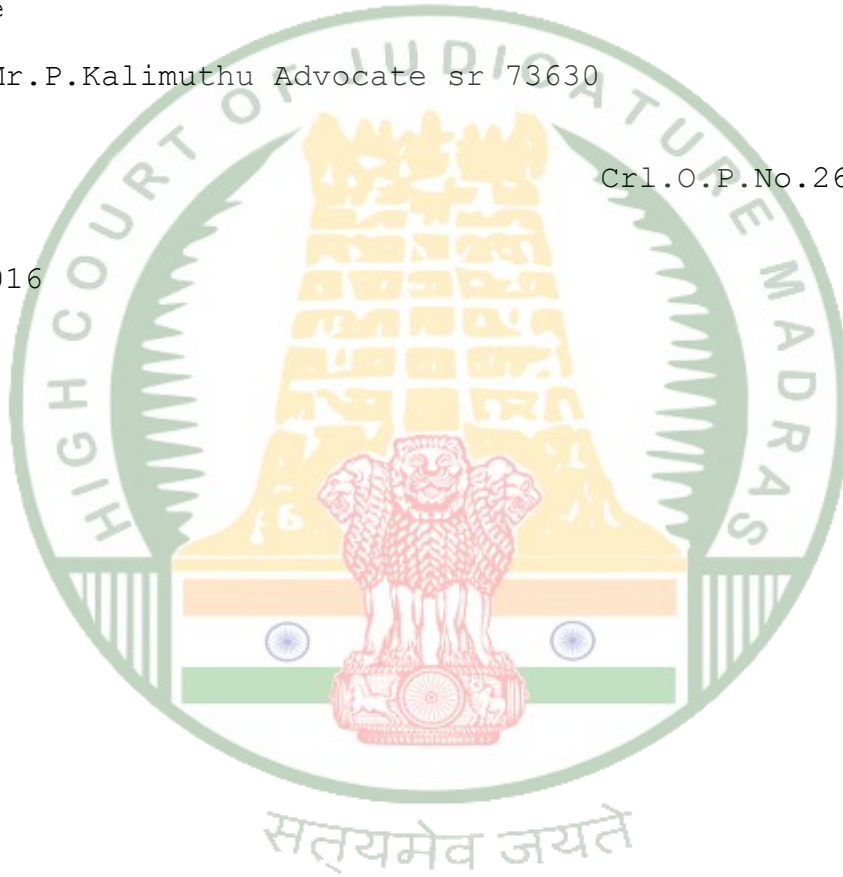
5. -do- Thro The Chief Judicial Magistrate
Coimbatore

6.-do- Thro The Principal Sessions Judge,
Coimbatore

+1 cc to Mr.P.Kalimuthu Advocate sr 73630

Cr1.O.P.No.26413 of 2016

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