

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2017

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Crl.O.P.No.3535 of 2017

A.Afzal

... Petitioner

Vs

State rep. By
The Inspector of Police,
Prohibition Enforcement Wing,
Nagapattinam.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to modify the condition imposed on the petitioner in Crl.M.P.No.3671 of 2016 on the file of the learned Judicial Magistrate No.I, Nagapattinam, dated 25.1.2017 in Crime No.1079 of 2016 on the file of the respondent.

For Petitioner : Mr.K.P.Anantha Krishna

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

ORDER

The present criminal original petition has been filed to modify the condition imposed on the petitioner in Crl.M.P.No.3671 of 2016 (Crime No.1079 of 2016) dated 25.1.2017 by the learned Judicial Magistrate No.I, Nagapattinam.

2. It is the case of the petitioner that he is the owner of the Omni Bus bearing registration No.TN 21 AH 1139 and the same has been seized by the respondent police in connection with Crime No.1079 of 2016. Seeking return of the said vehicle, the petitioner moved a petition in Crl.M.P.No.3671 of 2016 before the learned Judicial Magistrate No.I, Nagapattinam and the learned Magistrate, by order dated 25.1.2017, granted interim custody of the said vehicle on the following conditions:-

(a) he shall produce two sureties for each Rs.20,00,000/-.

(b) he shall surrender his original RC Book and the same shall be retained by the Court.

(c) he shall produce the photograph of the vehicle.

(d) he shall not alienate or alter the nature of the property.

Seeking modification of condition Nos.(a) and (b), the petitioner has come up with the present petition.

3. Learned counsel appearing for the petitioner submitted that the condition viz., the petitioner shall produce two sureties for Rs.20,00,000/- each is onerous. Further, he has submitted that the RC Book is required by the petitioner for renewal of the same.

4. I have also heard learned Additional Public Prosecutor.

5. Considering the facts and circumstances of the case, condition (a) imposed by the learned Judicial Magistrate No.I, Nagappattinam, dated 25.1.2017 in CrI.M.P.No.3671 of 2016 (Crime No.1079 of 2016) alone is hereby modified to the effect that " the petitioner shall produce two sureties for a sum of Rs.5,00,000/- (Rupees five lakh only) each." The other conditions shall remain unaltered. The criminal original petition is ordered accordingly.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1.The Inspector of Police,
Prohibition Enforcement Wing,
Nagapattinam.

2.The Public Prosecutor,
High Court, Madras.

3.The Judicial Magistrate I,
Nagapattinam.

+1cc to Mr.K.P.Ananthakrishna, Advocate Sr.11988

CrI.O.P.No.3535 of 2017

nm[co]
srg 2/3/2017