

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2017

CORAM:

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

Crl.R.C.No.978 of 2017

Syed Meeran

.. Petitioner

vs.

The State represented by its
The Inspector of Police,
Hudco Police Station,
Krishnakiri District
(Crime No.552/2016)

.. Respondent

Criminal Revision Case filed under Section 397 and 401
Cr.P.C. to set aside the order passed by the Judicial
Magistrate-II, Hosur in Cr.M.P.No.2884 of 2017 in Crime No.552
of 2016 dated 5.7.2017

For Petitioner : Mr. E.C.Ramesh

For Respondent : Mr. R.Sekar
Government Advocate(Crl.Side)

O R D E R

This Criminal Revision Case has been filed against the
order passed by the Judicial Magistrate-II, Hosur in
Cr.M.P.No.2884 of 2017 in Crime No.552 of 2016, dated 05.07.2017.

2. The petitioner's vehicle (Omni bus) bearing
Registration No.KA-1-B-4705 (Ashok Leyland model), was
intercepted by the concerned regional transport officer at Hosur
on 21.09.2016. The said authority found that the vehicle was
plying without proper documents and in fact, the documents which
were in possession of the persons who operated the vehicle, were
said to be tampered or forged one. Therefore, the said authority
seized the vehicle and produced the same at the Hudco Police
Station, Krishnagiri, and a case to that effect has been
registered against the petitioner, punishable under sections
465, 468, 471, 475, 474, 477 A, in Crime No.552 of 2016.

Therefore the petitioner filed CrI.O.P.No.2957 of 2017 before this Court and obtained an order of Anticipatory bail, based on which, after surrendering himself, he is on bail now.

3. Subsequently, the petitioner has approached the Court below with a petition under section 451 of the Criminal Procedure Code, seeking interim custody of the vehicle.

4. According to the petitioner, since the vehicle is kept in an open place for months together it will get damaged. Also, if the vehicle is continuously exposed to sunlight and rain, parts of the vehicle would get damaged and that will cause huge loss to the petitioner. Therefore, keeping the said vehicle idly in the police station would in no way be useful to the investigating agency also, as the vehicle would not be required for completion of investigation. Moreover, as and when investigating agency requires, the petitioner is ready and willing to produce the said vehicle for inspection.

5. However, the learned Judge having considered the claim of the petitioner, and also the objection raised by the respondent, has rejected the said application on 05.07.2017, as against which, the present revision has been filed.

6. Mr. E.C.Ramesh, learned counsel appearing for the petitioner would submit that, even the alleged offences against the petitioner relates to the tampering and forgery of documents and for investigating the same, the vehicle is no more required. In this regard, the learned counsel would submit that the petitioner is ready and willing to produce property security, equal to the value of the vehicle, which according to the learned counsel for the petitioner is only about Rs.20,00,000/- .

7. Per contra, Mr. R.Sekar, learned Government Advocate (CrI.Side), by relaying upon the FIR filed against the petitioner, would state that the petitioner has involved in a similar crime earlier, where also the investigation is pending and this is the second time the petitioner is involved in this kind of crime. Therefore, if the vehicle is released, the petitioner would indulge in this kind of crime again and again. Therefore, on that ground, the respondent has objected to release of the vehicle, which was accepted by the Court below and accordingly, the petition was dismissed by the lower Court. According to the the learned Government Advocate (CrI.Side) there is no infirmity in the order impugned herein and he seeks to sustain the same.

8. I have heard the rival submissions made by both sides.

9. The offences alleged against the petitioner relates to forgery and other related offences under section 465, 468, 471, 475, 474, 477(A) of IPC. Insofar as the vehicle is concerned, there is no other violation noticed against the petitioner. Even for the alleged offences against the petitioner, the respondent police can investigate the same and file a final report before the concerned Court and for the said purpose, if the respondent police wants to inspect the vehicle, the same can be produced by the petitioner as and when required. For the said purpose, the vehicle need not be kept idle for months together. Since it is a motor vehicle, if it is kept idle for a longer period, certainly the value would get diminished and the running condition will also be affected. Therefore, this Court is of the view that the vehicle can be returned to the petitioner for interim custody, of course, with stringent conditions.

10. In the result, the following order is passed:

(i) The vehicle in question namely Ashoka Leyland Omni bus with Registration No. KA-51-B-4705, shall be returned to the petitioner on condition that the petitioner gives a property security for the amount of Rs.20,00,000/-[Rupees Twenty Lakhs only], which is approximately the value of the vehicle as of now.

(ii) The petitioner shall not alter or tamper with any parts of the vehicle.

(iii) The petitioner shall not either transfer/sale or pledge the vehicle under any circumstances, until the trial is completed or further orders are passed by the trial Court.

(iv) The vehicle shall be photographed and photos and negative of the same shall be kept in safe custody by the respondent police for future usage, if need be.

11. All these conditions have to be complied with by the petitioner within a period of two weeks from today and on completion of the same, the Court below shall pass necessary orders to release the vehicle as indicated above.

With these observation, this Criminal Revision case is disposed of.

Sd/-

Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

bri/tar

To

1.The Inspector of Police,
Hudco Police Station,
Krishnakiri District.

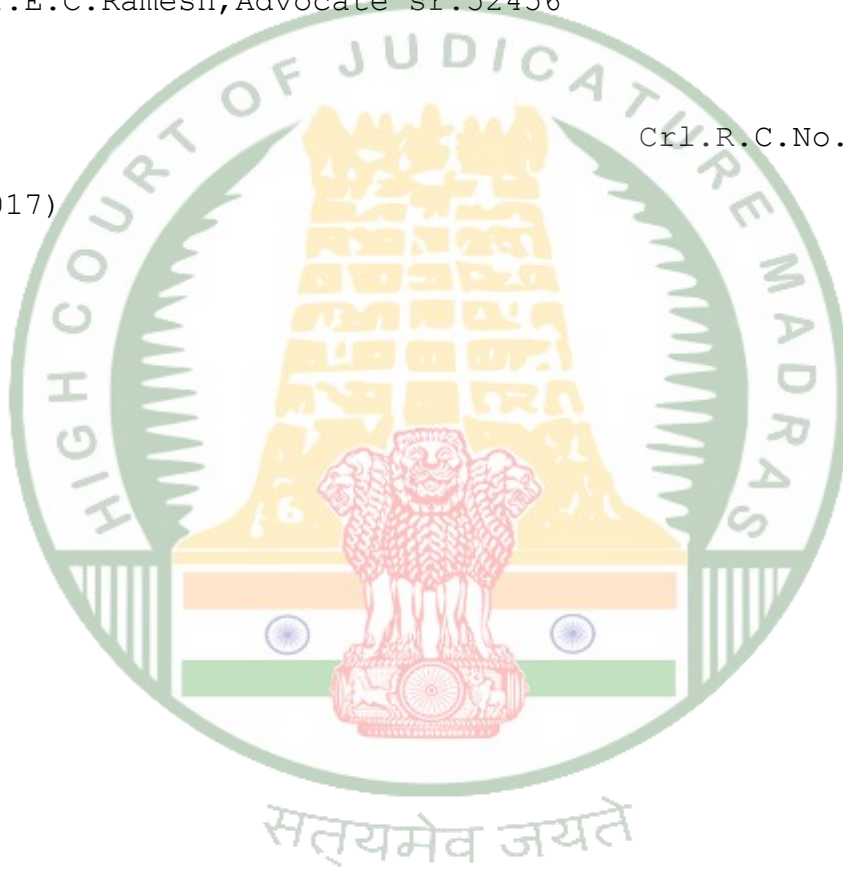
2. The Public Prosecutor,
High Court, Madras.

3.The Judicial Magistrate II,Hosur

+lcc to Mr.E.C.Ramesh,Advocate sr.52456

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ss(26/7/2017)



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