

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2017

CORAM

THE HONOURABLE MR.JUSTICE **M.S.RAMESH**

Crl.O.P.No.20844 of 2017

P.K. Joseph

..Petitioner

vs.

The Inspector of Police(Crime)
K-5, Peravallur Police Station,
Chennai- 600 082.
(Crime No.581 of 2016)

.. Respondent

Prayer :- Criminal Original Petition filed under Section 482 of Cr.P.C to modify the second condition viz, "the petitioner shall produce original RC book before the learned V Metropolitan Magistrate, Egmore, Chennai" in Crl.M.P.No.2503 of 2016 by its order dated 09.09.2016 and also to issue suitable direction to the learned V Metropolitan Magistrate, Egmore, Chennai to return the " Original Registration Certification of Two Wheeler(viz) HYOSUNG GT 250 R bearing Registration No. TN 05 AX 8001".

For Petitioner : Mr.K.R.Ramesh Kumar

For Respondent : Mr.P.Govindarajan,
Additional Public Prosecutor

ORDER

While ordering the return of petitioner's vehicle, the learned Magistrate has imposed certain conditions through an order dated 09.09.2016 passed in CrI.M.P.No.2503 of 2016. One of the conditions is that the petitioner should deposit the original RC book before the learned Magistrate. Aggrieved over the aforesaid condition, the present petition has been filed.

2. Heard both sides.

3. On a perusal of the order, it is seen that while the vehicle was ordered to be released, there was yet another condition that the petitioner should not sell or encumber or alter the nature of the case property and keep the case property in good condition. While that being so, it would not be appropriate to insist the petitioner to surrender the original RC book.

4. The learned counsel for the petitioner submits that without original RC book he is unable to freely ride the vehicle, since the possession of the RC book is mandatory condition for riding the vehicle on the public roads.

5. In this background, I am of the view that if the petitioner is directed to give a bond and affidavit stating that he will indemnify the value of the vehicle in case of any damage or other loss, ends of justice would be met.

6.Hence, this Criminal Original Petition stands allowed and the condition imposed in the order dated 09.09.2016 passed in CrI.M.P.No.2503 of 2016, in so far as the condition no.2 directing the petitioner to produce the original RC book before this Court is set aside, on condition that the petitioner shall execute a bond and affidavit before the V Metropolitan Magistrate, Egmore, Chennai in CrI.M.P.No. 2503 of 2016 and the other conditions imposed in CrI.M.P.No. 2503 of 2016 shall remain intact.

05.10.2017

Index:Yes/No
Internet:Yes/No

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M.S.RAMESH.J.,

aav/ak

To

1. The V Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police(Crime)
K-5, Peravallur Police Station,
Chennai- 600 082.
3. The Public Prosecutor,
High Court, Madras.



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