

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2018

CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

Crl.R.C.No.545 of 2018

R.Anbu @ Anbuselvam

...Petitioner

..Vs..

State through
The Sub-Inspector of Police,
F-5, Choolaimedu Police Station,
Chennai-600 094
(Crime No.188 of 2018)

PRAYER in Crl.RC.No.545 of 2018: Petition filed under Section 397 read with 401 of the Criminal Procedure Code, to call for the records of the learned XVII Metropolitan Magistrate at Saidapet, Chennai - 600 015 in Crl.M.P.No.1459 of 2018 and set aside the order dated 17.04.2018 and thereby direct the learned XVII Metropolitan Magistrate at Saidapet, Chennai - 600 015 for the production of the vehicle "AUTO-RICKSHAW" bearing Registration No: TN 01 AM 8120 (Engine No.24MBTJ18530, Chassis No:MD2AA24ZZTWJ93523) before the Court and return it to the petitioner pending investigation/confiscation proceedings in Crime No:188 of 2018 on the file of the respondent police.

For Petitioner : Mr.R.Ganesh Kumar

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

O R D E R

Heard both sides.

2. The learned counsel for the petitioner has submitted that the petitioner is the owner of the vehicle and he is alleged to have allowed one of the passengers in the Auto bearing Registration No: TN 01 AM 8120 to carry in 19 Honey day Liquor Bottles on the Government holiday, namely "Mahaveer Jayanthi" and hence, the petitioner has been falsely implicated in the case and for the interim custody of the vehicle in question.

3. The learned Government Advocate (Crl.side) has submitted that on the surprise check by the Police, it is found that in the auto driven by the petitioner/ accused has carried the number of bottles and also produced the vehicle in accordance with law.

4. Heard both sides and perused the records.

5. Taking note of the fact that the vehicle is allowed to be released on the following conditions:-

(i) The petitioner shall execute a bond for a sum of Rs.50,000/- with two sureties each to the satisfaction of the trial Court.

(ii) The petitioner shall produce the vehicle as and when required by the Investigating Officer.

(iii) The petitioner should also produce the vehicle before the concerned Jurisdictional Magistrate once in 3 months till the filing of the charge sheet.

(iv) The petitioner shall not alienate the vehicle in any manner till the adjudication proceedings/trial is over.

(v) The petitioner shall give an undertaking that he will not use the vehicle for any illegal activities in future and also to produce the vehicle as and when required by the respondent or the Investigating Officer.

(vi) The petitioner shall attend the enquiry, if any, that is being conducted by the respondent.

(vii) The respondent shall cause photographs of the vehicle to be taken and record panchanama thereof and the photograph taken shall be read as secondary evidence during trial and production of the vehicle shall be dispensed with.

(viii) The petitioner shall produce the original R.C for verification before the trial Magistrate given subject to interim custody of the vehicle to the petitioner the above said condition.

6. The above order is passed not in determinant to the ownership or other rights in respect of the vehicle in question.

7. Subject to the above conditions, this Criminal Revision Petition is disposed of.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1.The XVII Metropolitan Magistrate,Saidapet,
Chennai - 600 015.

2.The Sub Inspector of Police,
F-5, Choolaimeedu Police Station,
Chennai-600094.

+lcc to Mr.R.Ganeshkumar, Advocate, S.R.No.30795

Cr1.R.C.No.545 of 2018

RRK(28/04/2018)



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