

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2018

CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

Crl.R.C.No.598 of 2018

Natarajan

...Petitioner /A2 Accused

..Vs..

State Rep.by Sub Inspector of Police,
Ambur Taluk Police Station,
Vellore District.

...Respondent/Respondent

PRAYER: Criminal Revision Petition filed under Section 397 read with 401 of the Criminal Procedure Code, to call for the records on the file of the learned Additional District Munsif cum Judicial Magistrate, Ambur, Vellore District.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.Hari Hara Arun Soma Sankar.G
Government Advocate (Crl.Side)

ORDER

Heard both sides and perused the records.

2. This revision is directed against the order dated 27.02.2018 passed in Crl.M.P.No.564 of 2018 by the learned Additional District Munsif cum Judicial Magistrate, Ambur, Vellore District, whereby the petition seeking the interim custody of the vehicle under Section 451 Cr.P.C., was dismissed.

3. The learned counsel for the petitioner has submitted that the petitioner is the owner of the property and he has also filed the R.C.Book and Insurance to show that the vehicle is registered as per the Motor Vehicles Act.

4. The learned Government Advocate (Crl.side) has submitted that the petitioner is none other than second accused. However, in the cause title of the petition, the same is not properly indicated.

5. Taking into consideration the principles elicited by the Supreme Court regarding handing over the interim custody to the owner, pending disposal of the case, I am inclined to release the vehicle on the following conditions :-

(i) The petitioner shall execute a bond for a sum of Rs.5,00,000/- (Rupees Five Lakhs only) with two sureties each for a like sum 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 2 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.

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

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

Sd/-

Assistant Registrar(CS VII)

//True copy//

Sub Assistant Registrar

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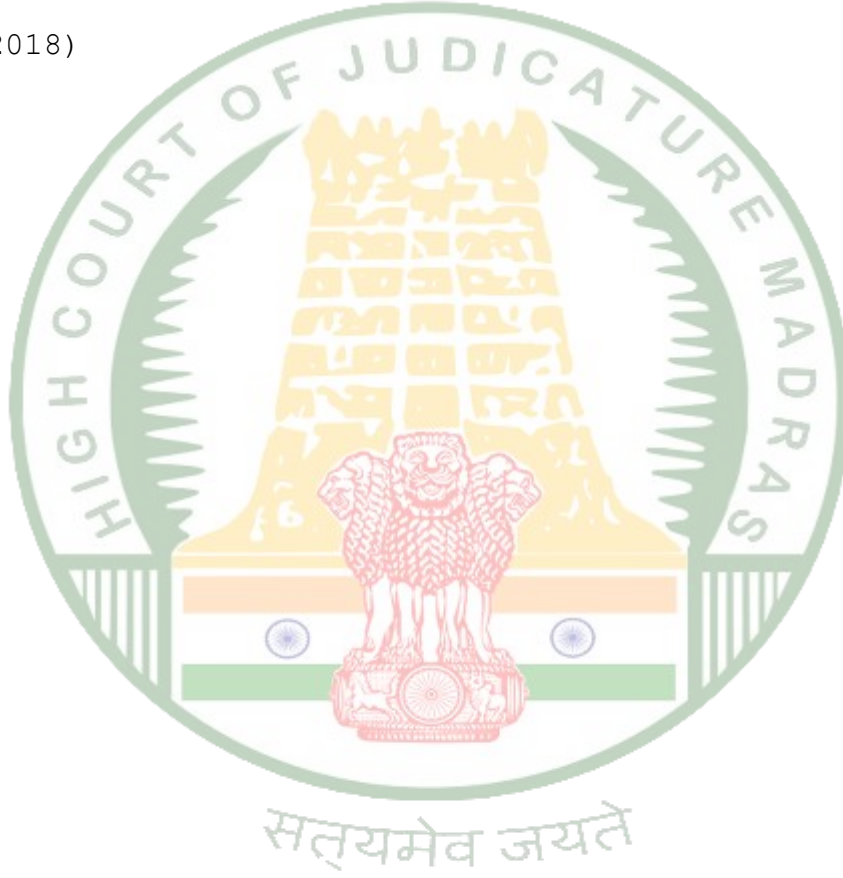
To

The Additional District Munsif
cum Judicial Magistrate,
Ambur, Vellore District.

+lcc to Mr.E.Kannadasan, Advocate SR.No.41970

Cr1.R.C.No.598 of 2018

SKS (CO)
GN(10/07/2018)



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