

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

Crl.R.C.No.692 of 2018

Viswanathan

...Petitioner

..Vs..

The State rep.by
The Inspector of Police,
Kumaratchi Police Station,
Kumaratchi
Cuddalore District
(Crime No.79 of 2018)

...Respondent

PRAYER: Criminal Revision Petition filed under Section 397 read with 401 of the Criminal Procedure Code, against the order made in Crl.M.P.no.3251 of 2018 dated 16.05.2018 in Crime No.79 of 2018 passed by the learned Judicial Magistrate No.II at Chidambaram.

For Petitioner : Mr.G.Pugazhenthir

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

O R D E R

Heard both sides and perused the records.

This revision is directed against the order dated 16.05.2018 passed in Crl.M.P.No.3251 of 2018 by the learned Judicial Magistrate No.II, Chidambaram, whereby the petition seeking the interim custody of the vehicle under Section 451 Cr.P.C., was dismissed.

2. 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.

3. Taking into consideration the principles elicited by the Supreme Court regarding handing over the interim custody of the vehicle 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 give an undertaking that he will not alienate the vehicle in question and if there is any violation under the Motor Vehicle Act, it is open for the police to take the custody of the vehicle separately.

(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-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate No.II,
Chidambaram District.

2. The Inspector of Police,
Kumaratchi Police Station,
Kumaratchi,
Cuddalore District

3. The Public prosecutor, High Court, Madras.

+ 1 cc to Mr.G. Pugazhenthir, Advocate Sr.44663

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(Cs-IV)
EU(13/07/2018)



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