

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

Crl.R.C.No.784 of 2018

Karthikeyan

...Petitioner

..Vs..

The State,
Rep by Sub-Inspector of Police,
V.Kalathur Police Station,
In Cr.No.101 of 2018

...Respondent

Dharmaseelan and two others

Accused

PRAYER:Petition filed under Section 397 read with 401 of the Criminal Procedure Code, to call for the records in Crl.M.P.No.1282 of 2018 order dated 13.06.2018 on the file of the learned Judicial Magistrate, Perambalur on the file of the respondent and to set aside the same consequently direct the respondent to return of JCB No. TN 57 AL 3154 Earth Moving Vehicle to the petitioner.

For Petitioner : Mr.T.Dharani

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

O R D E R

By consent of the learned counsel appearing for both the parties, this matter is taken up for final disposal.

2. The learned counsel for the petitioner has submitted that the R.C. Book is the name of the petitioner herein and bearing Registration No.TN 57-AL-3154. Originally, the vehicle belonged to one Kanagaraj and he has produced the same on 21.07.2017 and necessary endorsement has been made in the R.C.Book by the R.T.O and has produced the certificate.

3. Heard the learned Government Advocate (Crl. Side) appearing for the respondent.

4. Heard both sides and perused the records.

5. Since the petitioner is not an accused and he is a third party, 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/- 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 passed not 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.

-s/d-

Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

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To

1. The Judicial Magistrate, Perambalur

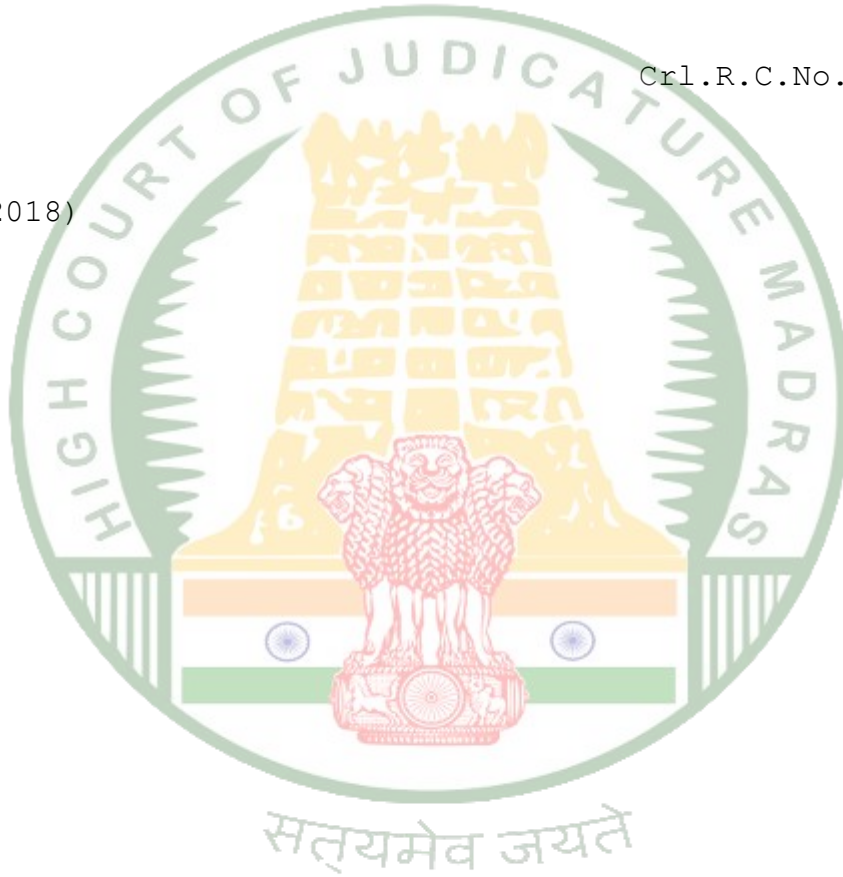
2. The Sub Inspector of Police
V.Kalathur Police Station

3. The Public Prosecutor
High Court, Madras 104.

+1 CC to Mr.T. Dharani, Advocate sr 46007.

Cr1.R.C.No.784 of 2018

NRI (CO)
SP(24/07/2018)



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