

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

Crl.R.C.No.799 of 2018

Tamilarasi

...Petitioner

..Vs..

The State of Tamil Nadu
Rep.by the Inspector of Police,
Kai-kalathur P.S
Kai-Kalathur
Perambalau District
Cr.No.76 of 2018

...Respondent

PRAYER:Petition filed under Section 397 read with 401 of the Criminal Procedure Code, to call for the records relating to the order dated 22.05.2018 passed in Cr.M.P.No.917 of 2018 in Crime No.76 of 2018 on the file of the Judicial Magistrate Court, Perambalur, set aside the same and order the interim custody of the Swaraj 843 Tractor with Trailer bearing Registration No.TN-46-K-2053 (Engine No.3RS00736) and Chasis No.WQTD76619100737) to the petitioner pending disposal of case in Crime No.76 of 2018.

For Petitioner : Mr.P.Mani

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 today he has filed typed set of papers showing that the Registration R.C.Book is in the petitioner's favour and that the petitioner has purchased the property from one Rajendran and necessary endorsement has been made in R.T.O office, dated 24.02.2016 and the date of alleged offence is 22.04.2018. On that date, she is the owner of the property and she is a third party.

3. The learned Government Advocate (Crl.side) has submitted that since for want of filing of copy of the R.C.Book before the Magistrate, the Magistrate has dismissed the petition.

4. Heard both sides and perused the records.

5. Since the petitioner has now presented the copy of the Registration Certificate to show her ownership and she 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.50,000/- 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-II)

True Copy

Sub-Assistant Registrar

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To

1. The Judicial Magistrate Court, Perambalur.

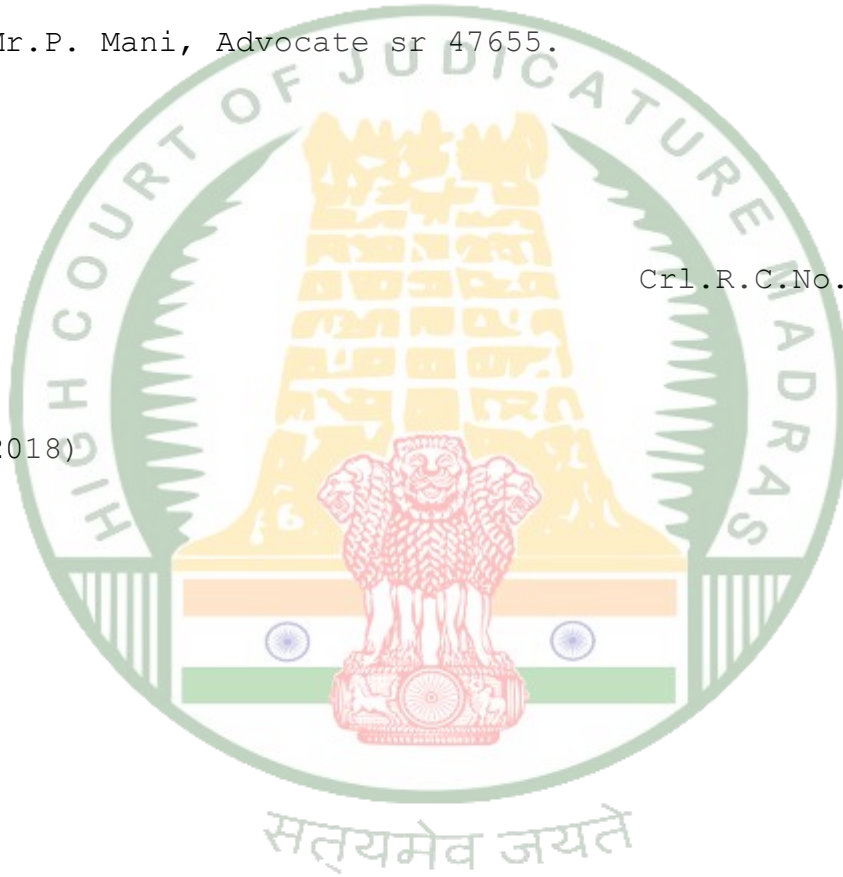
2. The Inspector of Police
Kai Kalathur Police Station
Kai Kalathur
Perambalur District.

3. The Public Prosecutor
High Court, Madras 104.

+1 CC to Mr.P. Mani, Advocate sr 47655.

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SP(19/07/2018)



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