

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2018

CORAM :

THE HON'BLE MR.JUSTICE M.S.RAMESH

Crl.O.P.No.3967 of 2018

P.Rajkumar

.. Petitioner/Petitioner

Vs.

The State Represented by its,
The Inspector of Police,
K7, ICF Colony Police Station,
Chennai.

... Respondent/Respondent

Prayer : The Criminal Original Petition is filed under Section 482 Cr.P.C. praying to direct the learned V Metropolitan Magistrate Court, Egmore, Chennai - 600 008 to modify the conditional Order dated 14.12.2017 passed in Crl.M.P.No.4397 of 2017 pending on the file of that Court.

For Petitioner : Mr.D.Chandrakumar

For Respondent : Mr.C.Raghavan,
Government Advocate (Crl. side)

O R D E R

The petitioner challenges the order of the learned V Metropolitan Magistrate Court, Egmore, Chennai - 600 008 to modify the conditional Order dated 14.12.2017 passed in Crl.M.P.No.4397 of 2017 pending on his file.

2.The Hon'ble Supreme Court of India in a case of Sunderbhai Ambalal Desai Vs. State of Gujarat reported in 2003 (1) CTC 175 had clearly laid down the dictum in connection with the custody and disposal of property pending trial in certain cases, wherein it was observed that return of vehicle should be done in the normal course. While ordering such return, it would not be appropriate for the trial court to impose onerous conditions, thereby making it impossible for the owner of the vehicle to take back custody of the vehicle, which would be against the intention of the preposition laid down by the Hon'ble Apex Court.

3. Accordingly, the order dated 14.12.2017 made in CrI.M.P.No.4397 of 2017 on the file of the V Metropolitan Magistrate Court, Egmore, Chennai is modified to the effect that the petitioner's Ford I Car bearing Registration No.TN07-L-8655 involved in Cr.No.767 of 2017 on the file of the respondent herein is directed to be handed over to the petitioner on production of certified copy of this order and at the time of handing over the possession of said car, photographs of the vehicle shall be taken and a detailed panchanama be recorded thereof. The petitioner shall produce the said car before the V-Metropolitan Magistrate Court, Egmore, Chennai as and when required by the Court.

4.All the conditions made in the order dated 14.12.2017 made in CrI.M.P.No.4397 of 2017 on the file of the V Metropolitan Magistrate Court, Egmore, Chennai shall stands deleted.

5.With the above observation, the Criminal Original Petition stands ordered.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

nl

To

1.The V Metropolitan Magistrate Court,
Egmore, Chennai

2.The Inspector of Police,
K7, ICF Colony Police Station,
Chennai.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.D.Chandrakumar, Advocate sr.no.10494

CrI.O.P. No.3967 of 2018

kj (co)
nr 27/02/2018