

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2018

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P.No. 23826 of 2018

N.Harikrishna Rajah

..Petitioner

Vs

1. The State, rep. by
The Inspector of Police (L & O)
J1 Saidapet Police Station
Chennai-600 015.

..Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to relax the condition imposed in CrI.R.C.No.72 of 2016 on the file of the XVII Additional Sessions Judge, City Civil Court, Chennai by directing the petitioner to produce the TN10-AK-7593 on the first working day of every month and to direct the IX Metropolitan Magistrate to return the original RC book of TN10-AK-7593.

For Petitioner : Mr.N.Baskaran

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed aggrieved by the order of the learned XVII Additional Judge, City Civil Court, Chennai returning the application filed by the petitioner to relax the condition imposed in CrI.R.C.No.72 of 2016 by order dated 08.09.2016.

2 It is seen from the records that the petitioner is the owner of the Maruthi Suzuki car. This car was involved in the commission of an offence by the driver of the petitioner and investigation is pending in Crime No.909 of 2016 on the file of the respondent police. The car belonging to the petitioner was seized by the respondent police and the petitioner moved an application for return of vehicle. In the said application, the

Court below directed the vehicle to be returned by imposing certain conditions. One such condition was that the petitioner was directed to deposit the original RC book and also to produce the vehicle before the concerned Court on the first working day of every month until further orders. The petitioner was also complying with the condition and also produced the vehicle to the concerned Metropolitan Magistrate Court. Thereafter, the vehicle was involved in an accident and the vehicle was not in a position to be brought before the Court after February 2018.

3 The petitioner filed an application before the Court below seeking for relaxation of the condition on the ground that the vehicle is not in a position to be brought before the Court due to the accident. The petitioner also sought for return of the original RC book to enable the petitioner to produce the same before the concerned authorities for obtaining fitness certificate and for making insurance claim. This petition has been returned by the Court below as not maintainable.

4 Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor appearing on behalf of the respondent.

5 Admittedly, the petitioner is not an accused in this case. He is only the owner of the vehicle. That apart, the petitioner has already executed a bond for a sum of Rs.5,00,000/- before the Court below and also undertaken not to sell the vehicle during the pendency of the case. The petitioner has also produced the vehicle before the Court below till the vehicle met with an accident in the month of February 2018. If the petitioner has to make insurance claim and also make the vehicle road worthy, he has to necessarily have access to the original RC book, which is now lying before the Court below on deposit.

6 In the facts and circumstances of the case, the IX Metropolitan Magistrate, Saidapet is directed to return the original RC book in respect of the vehicle belonging to the petitioner. The petitioner is directed to give an undertaking before the concerned Court to produce the original RC book as and when required by the Court below. That apart the petitioner's vehicle met with an accident, therefore, the same has to be repaired. Therefore, the petitioner shall produce the vehicle before the Court below as and when required by the Court below during the course of the proceedings.

7 With the above direction, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

rpl/lpp

To

1.The IX Metropolitan Magistrate,
Saidapet.

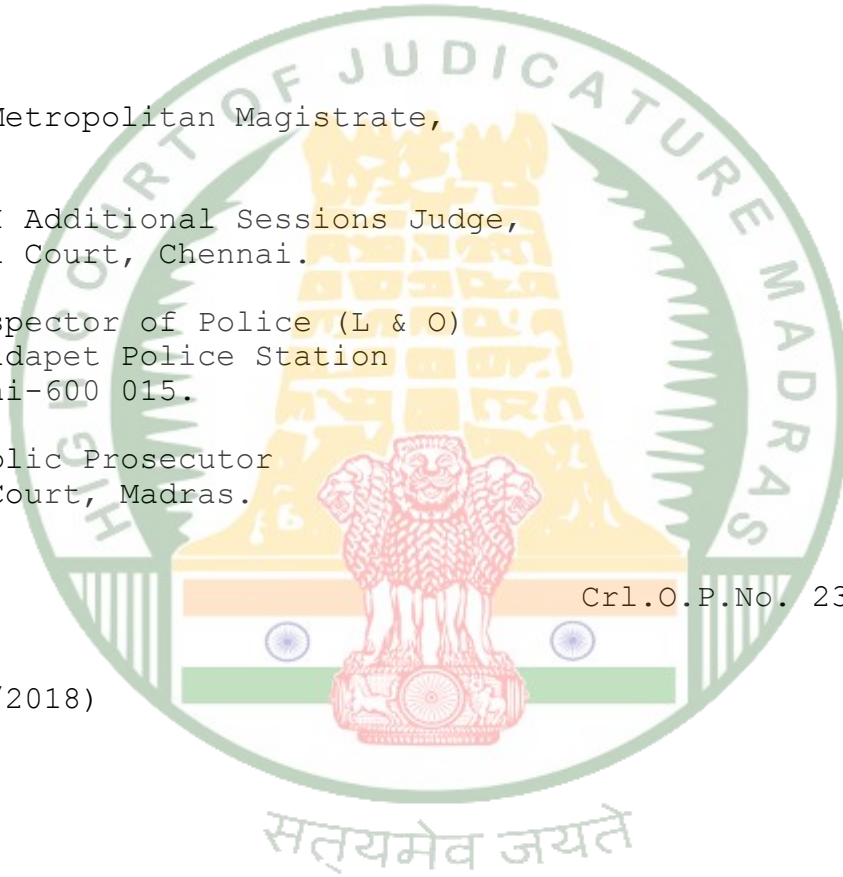
2.The XVII Additional Sessions Judge,
City Civil Court, Chennai.

3. The Inspector of Police (L & O)
J1 Saidapet Police Station
Chennai-600 015.

4. The Public Prosecutor
High Court, Madras.

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TM(CO)
GSP(13/11/2018)



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