

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 15.11.2018

CORAM
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.26518 of 2018

V.Chandran

...Petitioner

Vs.

State by
The Sub Inspector of Police,
Kanchi Taluk Police Station,
Kanchipuram.

...Respondent

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to set aside the order made in Crl.R.P. No.19 of 2018, dated 09.08.2018 on the file of the Sessions Court - II, Kancheepuram made in CRL MP. 3236/2018 dt.29.6.2018 on the file of the Judicial Magistrate II, Kancheepuram and consequently directing the respondent police to release the Swarji Tractor bearing Regn. No. TN-21-AR-5448 along with the Trailer bearing Regn. No. TN-21-AB-8602 to the petitioner.

For Petitioner : M/S.C. Prakasam

For Respondent : Mr.M.Mohamed Riyaz
Addl. Public Prosecutor

ORDER

This Criminal Original Petition has been filed challenging the order of the Court below dismissing the application filed for releasing the vehicle.

2. It is seen from the order that the concerned vehicle was involved in another case in Crime No.21 of 2018. In the said case, the vehicle was seized and the petitioner had filed a petition for releasing the vehicle and the vehicle was also released by the Court below subject to conditions. However, within one month from the date of release, the petitioner has involved in a similar offence and the same become a subject matter in Cr.No.378 of 2018. Therefore, the Court below has specifically given a finding that the vehicle which has been given interim custody, is being involved in repeated offence of the same nature and therefore, the vehicle cannot be released, pending the case.

3. This Court does not find any illegality or infirmity in the order passed by the Court below. The release of the vehicle will depend upon the conduct of the party. If the parties are indulging in repeated offence of the same nature, the same amounts to violation of the conditions passed by the Court below in the earlier case. Therefore, the Court below has rightly rejected the petition filed by the petitioner for releasing of the vehicle.

4. In the result, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

kal/sbn

To

1.The Sub Inspector of Police,
Kanchi Taluk Police Station,
Kanchipuram.

2.The Public Prosecutor,
Madras High Court,
Chennai.

+lcc to Mr.C.Prakasam, Advocate, S.R.No.78490

CRL.O.P.No.26518 of 2018

rrs 28/11/2018

सत्यमेव जयते

WEB COPY