

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.7342 of 2019

Babu

... Petitioner

Vs.

State Represented by,
The Station House Officer,
P.E.Wing,
Kottakuppam Police Station,
Villupuram District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the respondent to forthwith implement the order dated 24.12.2018 made in CMP. No.2312 of 2018 on the file of the Judicial Magistrate No.II, Tindivanam by handing over the custody of petitioner's vehicle TATA ACE bearing registration No. PY 01 BL 9768 to the office of Judicial Magistrate No.II, Tindivanam.

For Petitioner : Mr.J.Kumaran

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

सत्यमेव जयते
ORDER

This petition is filed seeking a direction to direct the respondent to forthwith implement the order dated 24.12.2018 made in CMP. No.2312 of 2018 on the file of the Judicial Magistrate No.II, Tindivanam by handing over the custody of petitioner's vehicle TATA ACE bearing registration No. PY 01 BL 9768 to the office of Judicial Magistrate No.II, Tindivanam.

2.By consent of both sides, this Criminal Original Petition is taken up for final disposal.

3. The learned counsel for the petitioner would submit that the petitioner filed a petition in CMP.No.2312 of 2018 for

return of vehicle before the learned Judicial Magistrate No.II, Tindivanam. The learned Magistrate after hearing both sides, directed the respondent to grant interim custody of the above vehicle to the petitioner till the disposal of the case with the following conditions:

"1. The petitioner shall furnish two sureties for a like sum of Rs.1,00,000/- to the satisfaction of the case.

2. The petitioner shall execute a personal bond of Rs.1,00,000/- to the satisfaction of this Court.

3. The petitioner shall produce photographs of the vehicle together with C.D/Negative.

4. The petitioner shall transfer the vehicle to his name within a month.

5. The petitioner shall not alter, alienate or made any encumbrance in the vehicle till the disposal of the case."

4. The learned counsel for the petitioner further submitted that the petitioner is ready to comply with the conditions imposed by the learned Judicial Magistrate. But the respondent police holding the possession of the vehicle without forwarding the same to the custody of Judicial Magistrate, it is not possible for the petitioner to get the custody of the vehicle even after getting the order of the learned Judicial Magistrate. As such, he seeks to direct the respondent to forward the vehicle to the learned Judicial Magistrate.

5. Considering the facts and circumstances of the case, the respondent police is directed to implement the order passed by the learned Judicial Magistrate No.II, Tindivanam in CMP. No.2312 of 2018, dated 24.12.2018, on conditions the petitioner shall execute the sureties as directed by the learned Judicial Magistrate No.II, Tindivanam within a period of two weeks from the date of receipt of a copy of this order.

In the result, the Criminal Original Petition is disposed of with the above direction.

dh

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Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

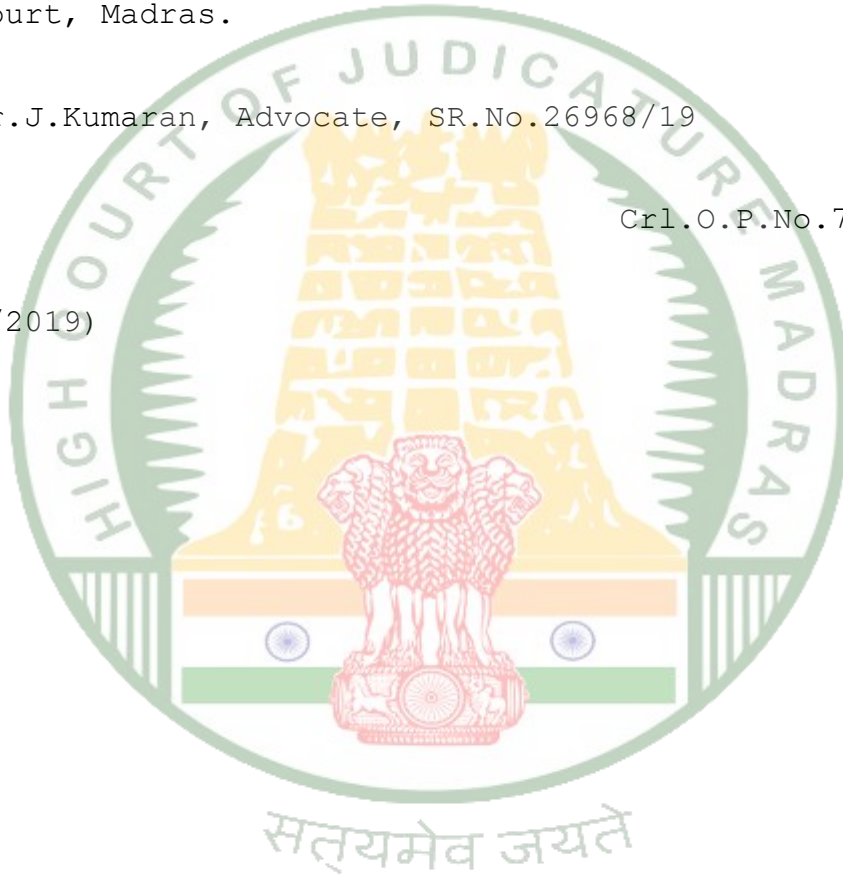
To

1. The Judicial Magistrate No.II,
Tindivanam.
2. The Station House Officer,
P.E.Wing,
Kottakuppam Police Station,
Villupuram District.
- 3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.J.Kumaran, Advocate, SR.No.26968/19

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Kak(30/04/2019)



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