

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:11.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.9929 of 2019

M.Selvaraa

... Petitioner

Vs.

State:Inspector of Police,
Nagarasampatti Police Station,
Krishnagiri District.
(Crime No.153 of 2018)

... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the condition to deposit the original R.C.Book of the vehicle before the Judicial Magistrate, Pochampalli in Crime No.153 of 2018 on the file of the respondent Police, in Crl.M.P.No.3685 of 2018 on the file of the Judicial Magistrate, Pochampalli.

For Petitioner : Mr.M.P.Saravanan

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

O R D E R

This Criminal Original Petition has been filed seeking to modify the order dated 20.09.2018 made in Crl.M.P.No.3685 of 2018 in Crime No.153 of 2018, by the learned Judicial Magistrate, Pochampalli.

2.It is seen that the petitioner's vehicle was seized by the respondent police under Section 379 IPC r/w 21(1)(iv) of Mines and Minerals Act in Crime No.153 of 2018. Hence, the petitioner filed a petition in Crl.M.P.No.3685 of 2018 before the learned Judicial Magistrate, Pochampalli, for return of the vehicle and the same was allowed on certain condition. One among the condition is that the petitioner should deposit the original R.C.book before the learned Judicial Magistrate, Pochampalli. Since the petitioner's original R.C.book has been mortgaged with a financial institution, the petitioner has filed the present petition to modify the condition.

3.The learned counsel for the petitioner submitted that the original R.C.Book is mortgaged with the private financier and hence seeks to modify the condition to accept for the attested copies of R.C.Book.

4.Heard both sides.

5.Considering the submissions made by the learned counsel appearing for the petitioner, the condition No.4 in the order dated 20.09.2018 passed in Cr.M.P.No.3685 of 2018 is modified to the extent that the petitioner is permitted to submit the xerox copy of R.C.Book duly attested by the financier under hypothecation agreement. All other conditions imposed in CrI.M.P.No.3685 of 2018 shall remain unaltered.

7.Accordingly, this Criminal Original Petition stands allowed.

Sd/-
Deputy Registrar (CS)

//True copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate,
Pochampalli.

2.The Inspector of Police,
Nagarasampatti Police Station,
Krishnagiri District.
(Crime No.153 of 2018)

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.MP.Saravanan, Advocate SR.No.35586

CrI.O.P.No.9929 of 2019

MP (CO)
GMY (15/04/2019)