

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2019

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Cr1.O.P.No.12737 of 2019

C.Shanmugasundaram

... Petitioner

Vs.

State by
The Inspector of Police,
Kangayam Police Station, Kangayam,
Tiruppur District.

Cr.No.77 of 2019

... Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the Learned Judicial Magistrate, Kangayam, Tiruppur District to release the Tipper Lorry bearing Registration No.TN-39-AS-8323 to the petitioner.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.C.Raghavan
Government Advocate

ORDER

This petition has been filed seeking for release of the vehicle belonging to the petitioner which was seized by the respondent/police pursuant to the registration of the FIR in Crime No.77 of 2019.

2.The petitioner had already approached this Court and filed a Writ Petition in W.P.No.8860 of 2019 and this Court by an order dated 29.03.2019, gave the following directions:

" 6. Accordingly, the respondents are directed to release the vehicle in question to the petitioner within a period of 7 days from the date of compliance of the below mentioned condition Nos.(i) to (iii):

(i)The petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) before the jurisdictional Tahsildar concerned as non-refundable deposit. After receipt of the above said amount, the same will have to be deposited by the jurisdictional Tahsildar concerned, to the credit of the District Mines and Minerals Foundation Trust as non-refundable deposit.

(ii)The petitioner shall execute a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the concerned Jurisdictional Judicial Magistrate.

(iii)The petitioner shall give an undertaking before the respondents/authority concerned stating that he will not use the vehicle in question for any illegal activities in future and shall produce the same as and when required by the respondents and also the trial Court, failing which the respondents/trial Court is/are at liberty to confiscate the vehicle.

(iv)The Petitioner shall not alienate the vehicle in question till the disposal of the proceedings before the authority concerned. The petitioner is also directed to participate in the enquiry to be conducted by the respondents."

3.The grievance of the petitioner is that the actual name of the petitioner is C.Shanmuga Sundaram. However, the respondent Police have registered an F.I.R by showing the name of the petitioner as Shanmugam. Therefore, the Court below is not entertaining the surety memo filed by the petitioner by citing the discrepancy in the name. Therefore, the present petition has been filed seeking for appropriate directions.

4.Heard the learned counsel for the petitioner and the learned Government Advocate appearing on behalf of the respondent police and perused the materials placed on record.

5.Taking into consideration of the facts and circumstances of the case, there shall be a direction to the Judicial Magistrate, Kangayam, to entertain the surety memo filed by the petitioner and release the vehicle in accordance with the directions given by this Court in W.P.No.8860 of 2019.

This Criminal Original petition is allowed accordingly.

Sd/-
Assistant Registrar (CCC)

//True copy//

Sub Assistant Registrar

jrs/kp

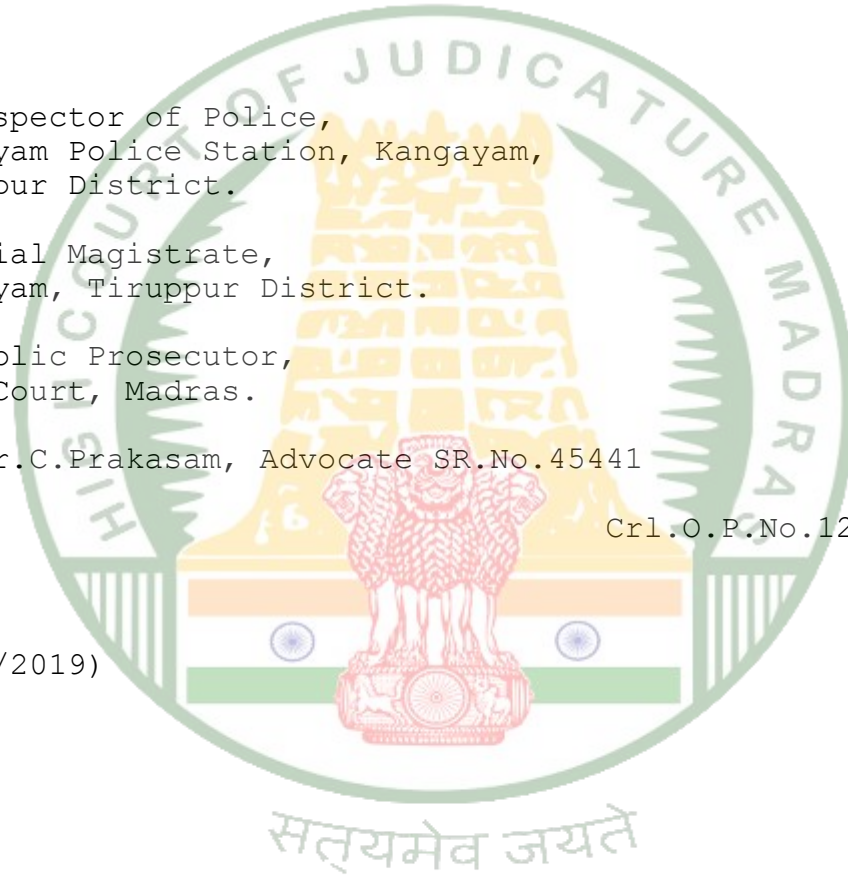
To

1. The Inspector of Police,
Kangayam Police Station, Kangayam,
Tiruppur District.
2. Judicial Magistrate,
Kangayam, Tiruppur District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.Prakasam, Advocate SR.No.45441

Crl.O.P.No.12737 of 2019

GP (CO)
GMY (07/06/2019)



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