

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
Crl.O.P No.18918 of 2019

J.Parthiban

Petitioner

vs.

The State by Inspector of Police,
All Women Police Station,
Omalur, Salem District.
(Crime No.8 of 2017)

Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order dated 15.06.2019 passed in Crl.M.P.No.1 of 2019 in Crl.M.P.No.813 of 2017 in S.C.No.127 of 2018 on the file of the Sessions Judge, Mahila Court, Salem consequently relax the condition as imposed in the order dated 03.07.2017 in Crl.M.P.No.813 of 2017 on the file of Sessions Judge, Mahila Court, Salem as far as the petitioner should produce the bus before the Court below on first working day of every month until further orders is concerned.

For Petitioner : Mr.R.Nalliyappan

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

O R D E R

This petition has been filed challenging the order passed by the Court below refusing to relax the condition imposed against the petitioner while allowing the petition filed by the petitioner for return of the vehicle.

2. The respondent police based on the FIR registered in Crime No.08 of 2017, seized the vehicle belonging to the petitioner. The petitioner is the owner of the vehicle and he is not an accused in this case. The petitioner filed the petition before the Court below seeking for

return of the vehicle. The Court below allowed the petition and returned the vehicle to the petitioner by imposing certain conditions. The petitioner complied with the conditions imposed by the Court below.

3. After sometime, the petitioner filed the petition for relaxation of the condition, wherein the petitioner was directed to produce the vehicle before the Court on the first working day of every month. The petitioner who is using this vehicle, which is a bus, was finding it very difficult to produce the bus every month and he suffered severe loss of income for one whole day every month.

4. The Court below dismissed the petition for relaxation on the ground that the petitioner is bound to produce the bus till it is marked as a material object during trial.

5. The learned counsel for the petitioner submitted that the petitioner has already undertaken before the Court below that he will not alienate or encumber the vehicle till the disposal of the case. The learned counsel further submitted that the petitioner had already produced the bus at least on 22 occasions and the investigation is still pending and therefore the petitioner had requested for relaxation of the condition.

6. Heard, the learned Additional Public Prosecutor appearing on behalf of the respondent police.

7. Taking into consideration the facts and circumstances of the case, the condition imposed by the Court below directing the petitioner to produce the vehicle before the Court on the first working day of every month is hereby relaxed. The petitioner shall produce the vehicle as and when required by the trial Court during the time of trial. The petitioner shall also strictly comply with the undertaking that has been given before the Court below not to alienate or encumber the vehicle till the disposal of the case.

8. Accordingly, this Criminal Original petition is allowed.

Sd/-
Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Sessions Judge, Mahila Court, Salem.

2. The Inspector of Police,
All Women Police Station,
Omalur, Salem District.

3. The Public Prosecutor,
High Court of Madras,
Madras.

+1cc to Mr.R.Nalliyappan, Advocate SR.No. 60584

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A.SK(22/07/2019)



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