

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 17.07.2019
CORAM
THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

CrI.O.P.No.18911 of 2019

T.Hariharasudhan

... Petitioner

Vs.

The State by Inspector of Police,
Uthukuli Police Station,
Thiruppur District.
Crime No.394 of 2018.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to modify the condition imposed in the order dated 26.03.2019 in CRP.No.11 of 2019 on the file of Principal Sessions Judge, Thiruppur as far as 1.Directing the petitioner to execute a bond for Rs.1 lakh to the satisfaction of the Judicial Magistrate, Avinasi and 2.The petitioner shall produce the original Registration Certificate of the Vehicle within 15 days after its registration before the Judicial Magistrate, Avinasi.

For Petitioner : Mr.R.Nalliyappan

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

O R D E R

This petition has been filed against the conditions imposed by the Court below while returning the vehicle of the petitioner which was seized by the respondent police in Cr.No.394 of 2018.

2.An FIR has been registered against the petitioner for an offence under Section 392 of IPC. The petitioner was arrested and remanded to judicial custody and his two wheeler was also seized by the respondent police.

3.Later the petitioner was released on bail and the petitioner filed a petition praying for the return of vehicle. The petition was dismissed by the learned Judicial Magistrate and the petitioner filed a Criminal Revision before the Principal Sessions Judge, Thiruppur. The Principal Sessions Judge, Thiruppur by an order dated 26.03.2019 allowed the revision and directed the two wheeler to be returned to the petitioner subject to certain conditions. The petitioner is

aggrieved by condition No.1 imposed by the Court below wherein the petitioner was directed to execute a bond for a sum of Rs.1 lakh to the satisfaction of learned Judicial Magistrate, Avinasi.

4.The learned Counsel for the petitioner submitted that the petitioner purchased the vehicle which is under hypothecation with the Indus Ind Bank. The petitioner has already taken loan and the total worth of the two wheeler itself is a sum of Rs.40,000/- (Rupees Forty Thousand only). Therefore the learned Counsel submitted that the first condition imposed by the Court below is onerous and incapable being complied with by the petitioner.

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

6.Taking into consideration the facts and circumstances of the case, this Court is inclined to interfere with the first condition imposed by the Court below. The first condition imposed by the Court is modified to the extent that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the satisfaction of the Judicial Magistrate, Avinasi. The other conditions imposed by the Court shall stand as it is.

7.This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

सत्यमेव जयते

jas/vs

To

1.The Principal Sessions Judge,
Tiruppur.

2.The Inspector of Police,
Uthukuli Police Station,
Thiruppur District.

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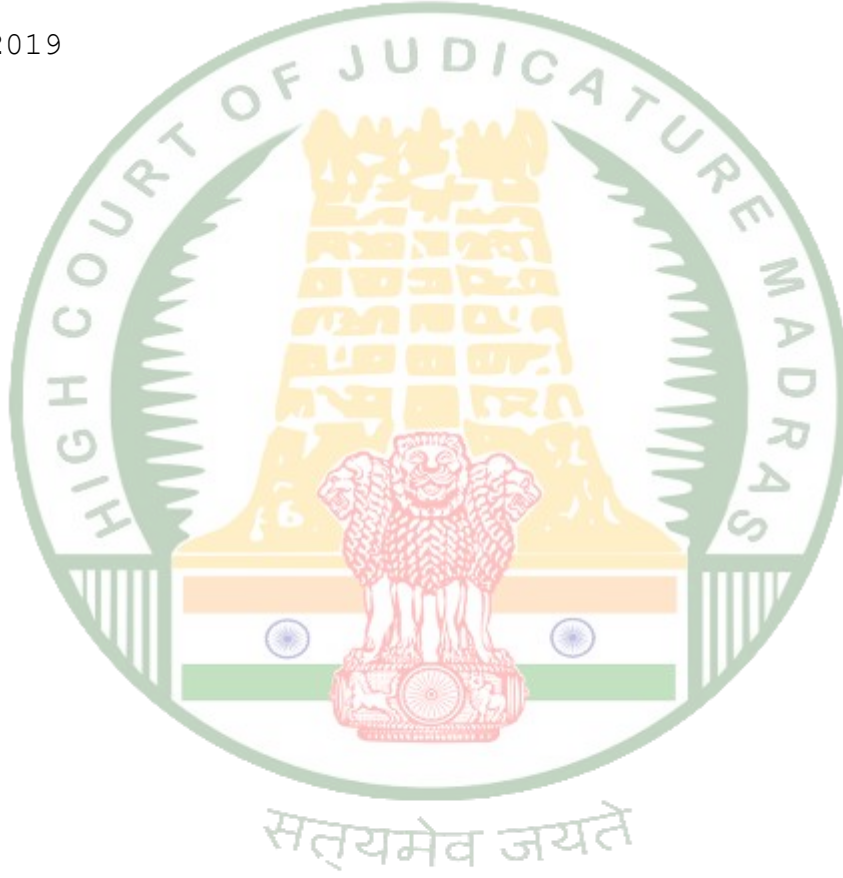
3.The Public Prosecutor,
High Court, Madras.

4.The Judicial Magistrate,
Avinasi.

+lcc to Mr.R.Nalliyappan, Advocate sr.60583

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