

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2019

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Cr1.O.P.No.21064 of 2019

K.Lazar

... Petitioner

Vs.

State Represented by
Inspector of Police,
Guduvancherry Police Station

....Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to modify the interim custody of Chevrolet Beat No.TN 10 AD 8190 passed on to the petitioner in Cr1 MP No.1672 of 2018 to a permanent one with permission to surrender the RC book to the RTO authorities and alienate the damaged car to the insurance company.

For Petitioner :Mr.L.Sriram for
M/s.Chennai Law Firm

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

O R D E R

This petition has been filed seeking for modification of the condition imposed by the Court below while granting interim custody of the vehicle to the petitioner.

2. The car belonging to the petitioner was involved in a crime and hence, an FIR was registered in Crime No.9 of 2018 by the respondent police. The vehicle was also seized in the course of investigation. The petitioner being the owner of the car and not being an accused in the case, filed a petition for return of vehicle. The Court below by an order dated 12.04.2018 granted interim custody of the car by imposing certain conditions. One of the condition that was imposed by the Court below was that the petitioner should

produce the original RC Book and the petitioner should also produce the vehicle on the first working day of every month.

3. After the orders were passed by the Court below, the petitioner had given his car to his friend and unfortunately, the car met with an accident resulting in a substantial damage to the vehicle.

4. The petitioner therefore filed another petition in CMP No.5710 of 2019, seeking for modification of condition. The petitioner required the original RC book for the purpose of submitting the same to the insurance company, in order to make insurance claim for the car. That apart, the petitioner was not in a position to produce the car before the Court below, since the car is under repair in the garage. The Court below by an order dated 24.06.2019, dismissed the modification petition. Aggrieved by the same, the petitioner has come before this Court seeking for modification of the condition.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of respondent.

6. Taking into consideration the facts and circumstances of the case, it is made clear that the petitioner shall produce the original RC book before the Court and the Court below shall take a copy of the same and certify it by comparing with the original and thereafter, the original RC book shall be returned back to the petitioner.

7. Insofar as the production of the car is concerned, since the car is under repair, this condition need not be complied with by the petitioner. After the car is repaired, the same shall be produced before the Court and the Court shall take necessary photographs of the car after preparing a detailed panchanama and follow the guidelines given by this Court in [Muthuraman Vs. State by Inspector of Police, K7 Police Station, Chennai] 2015 3 Madras Weekly Notes CrI. 296.

8. This Criminal Original Petition is disposed of with the above directions.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rka

To

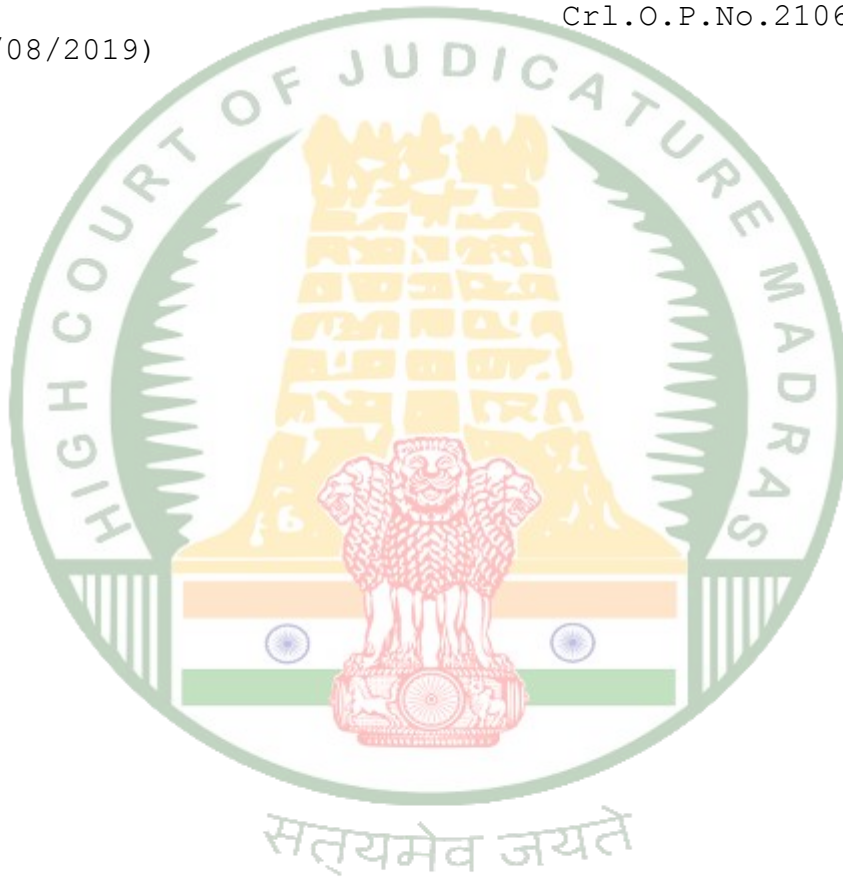
1. State Represented by
Inspector of Police,
Guduvancherry Police Station

2.The Public Prosecutor,
High Court, Madras.

+2ccs to M/s.Chennai Law Firm, Advocate SR.No. 67189

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A.SK(07/08/2019)



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