



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2019

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

CrI.O.P.No.22692 of 2019

K.Sudharsan

... Petitioner

Vs.

The Tamil Nadu State,
represented by the Sub-Inspector of Police,
Karimangalam Police Station,
Dharmapuri District.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to modify the condition imposed by the Principal Sessions Judge, Dharmapuri in Cr.M.P.No.1031 of 2019 in S.C.No.8 of 2019 dated 06.08.2019 on condition the petitioner shall produce the original RC book and deposited Rs.7,50,000/- of FDR in the name of Principal District Judge, Dharmapuri.

For Petitioner : Mr.B.Sundarapandiyan

For Respondent : Mr.M.Mohamed Riyaz,

Additional Public Prosecutor

O R D E R

This petition has been filed seeking to modify the condition imposed by the Court below while allowing the petition filed by the petitioner for return of the vehicle.

2.It is seen from records that the vehicle belonging to the petitioner was involved in a Crime in Crime No.85 of 2018 and in the course of investigation, the vehicle was seized. The petitioner is not an accused in this case. The petitioner as the owner of the vehicle, filed a petition for return of the vehicle. The Court below after considering the facts and circumstances of the case, allowed the petition by imposing certain conditions. The petitioner is aggrieved by two conditions imposed by the Court below. The first condition is that the petitioner was directed to produce the original RC Book. The second condition imposed was that the petitioner was directed to deposit a sum of Rs.7,50,000/- by way of a Fixed Deposit in the name of the Principal District Judge, Dharmapuri.

3.The learned counsel for the petitioner submitted that the vehicle was purchased under a higher purchase scheme and the financier is in possession of the RC Book. Therefore, the petitioner is not in a position to produce the RC Book or



deposit the RC book before the Court below. The learned counsel further submitted that the Court below went wrong in imposing an onerous condition whereby the petitioner was directed to deposit a sum of Rs.7,50,000/- by way of Fixed deposit.

4.The learned counsel for the petitioner submitted that the petitioner is not an accused in this case and the Court below went wrong in imposing certain conditions which are onerous and which are not warranted under the facts of the case. The learned counsel for the petitioner relied upon the judgment of this Court in the case of Selvam and another Vs. The State represented by, the Inspector of Police, Theevatipatti Police Station, Salem District reported in 2012 (2) CTC 549 and another judgment of this Court in the case of K.Ramar Vs. State of Tamil Nadu, The Inspector of Police, Vembakottai Police Station, Virudhunagar District reported in 2013 (1) MLJ (Crl) 101.

5.Heard the learned Additional Public prosecutor appearing for the respondent police.

6.In the considered view of this Court, the two conditions that have been put to challenge before this Court are liable to be interfered. This Court has repeatedly held that in cases of this nature, it is enough if necessary photographs are taken and a panchanama is prepared. Sufficient guidelines have been given in this regard in the judgment that has been cited by the learned counsel for the petitioner. The Court below failed to take note of these guidelines.

7.In view of the above, the condition whereby the petitioner was directed to produce the original RC book is set aside. It is enough if the petitioner produces a copy of the RC book by certifying it through a Notary Public along with the original RC Book. Insofar as the second condition is concerned, the direction given to the petitioner to deposit a sum of Rs.7,50,000/- is hereby set aside. The other conditions imposed by the Court below shall stand as it is.

8.This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar



To

1.The Principal Sessions Judge,
Dharmapuri.

2.The Sub-Inspector of Police,
Karimangalam Police Station,
Dharmapuri District.

3.The Puplic Prosecutor,
Madras High Court, Chennai.

+1cc to Mr.B.Sundarapandiyan, Advocate sr.71804

Crl.O.P.No.22692 of 2019

nr 26/08/2019