

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.30426 of 2018

N.Premalatha

... Petitioner

Vs.

State Represented by,
The Station House Officer,
CB CID Police Station,
Puducherry

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to modify the conditions laid down in the order dated 10.10.2018 passed by the learned Principal Sessions Judge at Puducherry in Criminal Revision Petition in Cr.R.P.No.17 of 2018.

For Petitioner : Mr.N.S.Amarnath

For Respondent : Mr.V.Balamurugane
Additional Public Prosecutor
(Puducherry)

ORDER

This petition is filed seeking a direction to modify the conditions laid down in the order dated 10.10.2018 passed by the learned Principal Sessions Judge at Puducherry in Criminal Revision Petition in Cr.R.P.No.17 of 2018.

2.By consent of both sides, this Criminal Original Petition is taken up for final disposal.

3. The learned counsel for the petitioner would submit that the petitioner is the registered owner of BMW car bearing Reg.No.TN 19 R 3755 having purchased on 24.06.2016 for a sum of Rs.37 lakhs. She also availed car loan from M/s.HDFC Bank to purchase the said car and she is paying monthly EMI of Rs.69,340/- She has rented the said car for a monthly rent of Rs.1.25 lakhs to M/s.Shy Luxury India Services operated by one, Mr.K.Shakthi Murugan. She also rented out a Jaguar car to the same car rental firm. She has also entered into rental

agreement with the said rental firm. Though the rental firm was paying rents regularly, they started to default from the 5th month of 2018 onwards. When the petitioner contacted the car rental firm found the car rental firm locked. The said person similarly has taken 30 vehicles from various individuals and cheated. Therefore a case has been filed in Crime No.304 of 2018 under Section 420 I.P.C. Further he would submit that the BMW subject car has been seized by the respondent police for the reason that one, Mr.Chandruji who is stated as an accused in Crime No.5 of 2018 registered under Sections 468, 471, 379 r/w 34 I.P.C. R/w 511 I.P.C. and 66(C) of Information Technology Act. The respondent appears to have seized BMW car of the petitioner from the first accused Mr.Chandruji. Therefore, the petitioner has nothing to do with the offence as alleged by the prosecution. Therefore, she filed petition to return the vehicle in Cr.M.P.No.2298 of 2018 and the learned Judicial Magistrate-II, Puducherry was pleased to dismiss the said petition, as against the same, the petitioner preferred revision Petition in C.P.No.17 of 2018 before the learned Principal Sessions Judge and by order dated 10.10.2018, the revision petition was allowed with the following conditions.

1. That the petitioner shall deposit the original R.C.book and current Insurance policy of the vehicle BMW car bearing Regn.No.TN 19 R 3755
2. The petitioner shall execute a bond for Rs.30,00,000/- (Rupees Thirty lakhs only) together with two sureties for the like sum.
3. The petitioner shall take photographs of the above said vehicle and submit the photos and C.D. duly signed by the petitioner and also countersigned by the respondent / Investigating Officer.
4. The petitioner shall not alienate, modify, sell or mortgage the case property / car and shall produce the same in the same condition as and when required by this Court.
5. The petitioner shall produce the photograph of the property and panchnama shall be drawn by an Officer of the Court in the presence of two panchayatdhars and in the immediate presence of the Presiding Officer of the Court.

Therefore, since the petitioner is not a accused in that case, the learned counsel for the petitioner sought for modification of the said condition imposed by the learned Principal Sessions Judge at Puducherry.

4. The learned Additional Public Prosecutor(Puducherry) would submit that the first accused involved in very serious offence in Crime No.5 of 2018 under Sections 468, 471, 379 r/w 34 I.P.C. R/w 511 I.P.C. and 66(C) of Information Technology Act. Further he submits that the conditions imposed by the learned Principal Sessions Court at Puducherry is not onerous one since the offence involved is very serious in nature and the

worth of the car is about Rs.30 lakhs. Therefore, he sought for dismissal of the petition.

5. Heard, the learned counsel for the petitioner and the learned Additional Public Prosecutor(Puducherry) for the respondent.

6. It is seen that petitioner is the owner of the car and she is not an accused in this case. Moreover, the said car has also been seized by the respondent Police. Therefore, she is no way connected with the first accused in this crime. Considering the facts and circumstances of the case, this Court is inclined to modify the condition No.2 imposed by the learned Principal Sessions Judge at Puducherry to the effect that the petitioner shall execute a bond for Rs.5,00,000/- (Rupees Five Lakhs only) together with two sureties for the like sum whereas the other conditions shall remain intact.

7. In the result, the Criminal Original Petition is allowed with the above direction.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Station House Officer,
CB CID Police Station,
Puducherry

2.The Public Prosecutor,
(Puducherry), High Court, Madras.

+1 cc to The Public Prosecutor, Puducherry, Sr.No.9571

+1 cc to Mr.N.S.Amarnath, Advocate Sr.No.9091

SSD(CO)
CSL/26.02.2019

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