

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 21.02.2020
CORAM
THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM
CRL.O.P.No.3900 of 2020

Selvam : Petitioner/Owner of the Vehicle
Vs.

State Rep.by the Inspector of Police
Pochampalli Police Station
Krishnagiri District. : Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order passed by the learned District Munsif-cum-Judicial Magistrate, Pochampalli, Krishnagiri District in Crl.M.P.No.109 of 2020 in Crl.M.P.No.5807/2019 dated 08.01.2020.

For Petitioner : Mr.E.Kannadasan
: for M/s.R.Thulasi

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

ORDER

This petition has been filed to set aside the order passed by the learned District Munsif-cum-Judicial Magistrate, Pochampalli, Krishnagiri District in Crl.M.P.No.109 of 2020 in Crl.M.P.No.5807/2019 dated 08.01.2020.

2. The learned counsel for the petitioner has submitted that the petitioner is the owner of the Car bearing Registration No.KA-51-MH-4500. He further submitted that the respondent has seized the said vehicle in Cr.No.363/2019 for the offences under Sections 147, 148, 341, 364, 120(B), 302 & 201 of IPC and produced before the District Munsif-cum-Judicial Magistrate, Pochampalli, Krishnagiri District and the same was remanded in CP.No.120/2019. He further submitted that the petitioner has filed a petition under Section 451 of Cr.P.C., in Crl.M.P.No.5807 of 2019 seeking interim custody and the learned District Munsif-cum-Judicial Magistrate, Pochampalli, Krishnagiri District by the order dated 08.01.2020 has allowed the said petition and directed to release the said vehicle by imposing certain conditions and one such condition (condition No.5) is that the petitioner shall produce the said vehicle before the concerned Court on the first working day of every week. He further submitted that the petitioner's car has to go

to other places as he is eking out his livelihood by renting his car and hence, he is not able to produce the said vehicle every week and therefore, he filed a petition before the trial Court to modify the said condition permitting the petitioner to produce the said vehicle once in 15 days, but the trial Court without considering the said request has dismissed the said petition and therefore, he prayed to set aside the said order and permit the petitioner to produce the said vehicle before the trial Court once in 15 days.

3. The learned Additional Public Prosecutor has submitted that he is leaving to the discretion of the Court.

4. Considering the aforesaid submissions, the condition No.5 imposed by the learned District Munsif-cum-Judicial Magistrate in the order passed in Crl.M.P.No.5807 of 2019 is modified to the effect that the petitioner shall produce the vehicle before the said Court on the first working day of first week and third week of every month.

5. With the above modification, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar(CS-III)

// True Copy//

Sub Assistant Registrar

dna

To

1.The District Munsif-cum-Judicial Magistrate,
Pochampalli, Krishnagiri District.

2.The Inspector of Police
Pochampalli Police Station
Krishnagiri District.

3.The Public Prosecutor, High Court, Madras.

+1cc to Mr.E.Kannadasan, Advocate, SR.No.15333.

CRL.O.P.No.3900 of 2020

CA(CO)

CSR: 26.02.2020