

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2020

CORAM:

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.M.P.No.5315 of 2020
in Crl.R.C.No.661 of 2020

1. P.Srinivasan
2. E.Venkatachalam
3. C.Vijayaboopathi ... Petitioners

vs.

The Inspector of Police,
Ammamet Police Station,
Erode District.
Crime No.28 of 2020 ... Respondent

Criminal Miscellaneous Petition filed under Section 482 Cr.P.C. seeking to modify the condition para 5(ii) Srinivasan, the first petitioner, shall produce the original R.C. Book of his vehicle bearing No.TN 93 B 1438 to the Judicial Magistrate No.1, Bhavani and take it back and shall submit a Photocopy of the same to the Judicial Magistrate No.I, Bhavani and the Police. He shall also file an affidavit of undertaking to the effect that he shall not, in any way, alienate or encumber the said vehicle without obtaining the leave of the Principal District Judge, Erode imposed in Crl. Revision No.661 of 2020 dated 19.08.2020 on the file of this Hon'ble Court.

For petitioners Mr.G.Murugendran

For respondent Mrs. P. Kritika Kamal
Govt. Advocate (Crl. Side)

ORDER

This case is taken up through video conferencing.

2. The petitioners are the accused in Ammapet P.S. Cr.No.28 of 2020 for the offence under Section 379 IPC and Section 21(1) of the Mines and Minerals Act. The allegation against them is that they had smuggled river sand in three tipper lorries bearing Regn. Nos.TN 93 B 4038, TN 56 B 4659 and TN 93 5469. All the three tipper lorries were seized by the police and are now parked in the police station.

3. The petitioners filed Crl.M.P. No.1230 of 2020 under Section 451 Cr.P.C. in the Principal District Court, Erode, for interim custody of the aforesaid vehicles and by order dated 20.07.2020, the said petition was allowed and interim custody of the vehicles granted, of course, on certain conditions. Aggrieved by conditions nos.(ii) and (v) imposed in the said order, all the petitioners filed Crl.R.C.No.661 of 2020.

4. When Crl.R.C.No.661 of 2020 came up for hearing on 19.08.2020, Mr.G.Murugendran, learned counsel for the petitioners submitted that in condition No.(ii), the District Court, Erode, has directed the petitioners to execute the bond for Rs.5,00,000/- each with two sureties, which the petitioners are not in a position to comply with and the same is excessive and that is why, they were not able to take custody of the vehicle till date. This Court agreed with the said submissions and reduced the bond amount of Rs.5 lakhs to Rs.1 lakh each for all the three petitioners. He further contended during the hearing of Crl.R.C.No.661 of 2020 on 19.08.2020 that the first petitioner, Srinivasan had taken a vehicle loan from Hindustan Bank for purchasing the vehicle bearing Registration No.TN 93 B 4038 and hence, he may not be in a position to comply with condition No.(v) imposed by the District Court, which required all the three petitioners to deposit their original R.C. Books in the Court. Mr.Murugendran further represented that the other two petitioners viz., Venkatachalam and Vijaya Boopathi do not have this problem.

5. Accepting Mr.Murugendran's submission, this Court permitted Srinivasan to produce the original R.C. Book to the Judicial Magistrate No.I, Bhavani and take it back after substituting it with a photocopy.

6. Now, the present miscellaneous petition has been filed for giving similar benefits to Venkatachalam and Vijaya Boopathi.

7. The learned counsel for the petitioners submitted that during the hearing of Crl.R.C.No.661 of 2020 on 19.08.2020, Venkatachalam and Vijaya Boopathi did not inform him that their vehicles were also under hire purchase agreement and hence, he pleaded that this Court may show indulgence to them also and grant the relief that was given to Srinivasan.

8. Accepting the aforesaid submission of Mr. Murugendran, Venkatachalam and Vijaya Boopathi shall produce the original R.C. Books of their vehicles to the Judicial Magistrate No.I, Bhavani and take them back after substituting the photocopy of the same. A photocopy of the R.C. Books should be furnished to the Police. They shall also file an affidavit of undertaking to

the effect that they shall not, in any way, alienate or encumber their vehicles viz., TN 56 B 4659 and TN 93 5469 respectively, without obtaining the leave of the Principal District Judge, Erode. It is made clear that the other conditions imposed by this Court vide order dated 19.08.2020 shall remain unaltered.

9. This criminal miscellaneous petition stands ordered accordingly.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Judicial Magistrate No.1,
Bhavani.
- 2.The Principal District Judge,
Erode.
- 3.The Inspector of Police
Ammamet Police Station,
Erode District.
- 4.The Public Prosecutor,
Madras High Court,
Chennai - 600 104.

+1cc to Mr.Murugendran, Advocate SR.31440

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in CrI.R.C.No.661 of 2020

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