

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2020

CORAM

THE HON'BLE Mr. JUSTICE **P.N.PRAKASH**

Crl.M.P.No.5314 of 2020
in Crl.R.C.No.159 of 2020

Jayaprakash

... Petitioner

Vs.

State represented by
The Inspector of Police,
Vettaikaraniruppu Police Station,
Nagapattinam District.
(Crime No.113/2019)

... Respondent

Criminal Revision filed under Section 397 r/w Section 401 Cr.P.C. seeking to set aside the order dated 17.12.2019 passed by the learned Sessions Judge, Special Court under the POCSO Act, (Full Additional Charge of Sessions Judge), Nagapattinam, in Crl.M.P.No.3816 of 2019 in Crime No.113 of 2019 and to return the 'Tipper Lorry', bearing Registration No.TN-38-CJ-0186 to the custody of the petitioner.

For Petitioner : Mr.Karkkivelan
for Mr. U.Adhiyaman

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

ORDER

This case is taken up through video conferencing.

2. By order dated 06.02.2020 in Crl.R.C.No.159 of 2020, this Court directed the return of vehicle bearing Registration No.TN-38-CJ-0186 to the petitioner on various conditions, two of which, is as under:

“vi. the petitioner shall surrender the original R.C. book before the learned Sessions Judge, Special Court under POCSO Act, (Full Additional Charge of Sessions Judge), Nagapattinam.

ix. petition relating to return of R.C. Book for any purpose in the future, may be filed before the learned Sessions Judge, Special Court under the POCSO Act, (Full Additional Charge of Sessions Judge), Nagapattinam, who may consider the same on merits.”

3. The petitioner has filed the present petition for modification of condition no.6(vi), on the ground that the petitioner had purchased the vehicle by obtaining loan from IndusInd Bank and the RC Book of the car is with the said bank.

4. In view of the above said submission, the condition no.6(vi) is

modified to the effect that the petitioner shall file satisfactory materials before the Sessions Judge, Special Court under the POCSO Act, (Full Additional Charge of Sessions Judge), Nagapattinam, to establish that the RC Book is with the said bank and if the Sessions Judge is satisfied, he may waive the condition no.6(vi), on the petitioner filing an affidavit that, he will not alienate the vehicle without the permission of the said Court. In that event, the Regional Transport Office, where the vehicle is registered and IndusInd Bank, shall be informed about the undertaking given by the petitioner, so that, they do not effect any transfer without the knowledge of the said Court.

nsd

09.09.2020

सत्यमेव जयते
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To

1.The Sessions Judge,
Special Court under POCSO Act,
(Full Additional Charge of Sessions Judge),
Nagapattinam.

2.The Inspector of Police,
Vettaikaraniruppu Police Station,
Nagapattinam District.

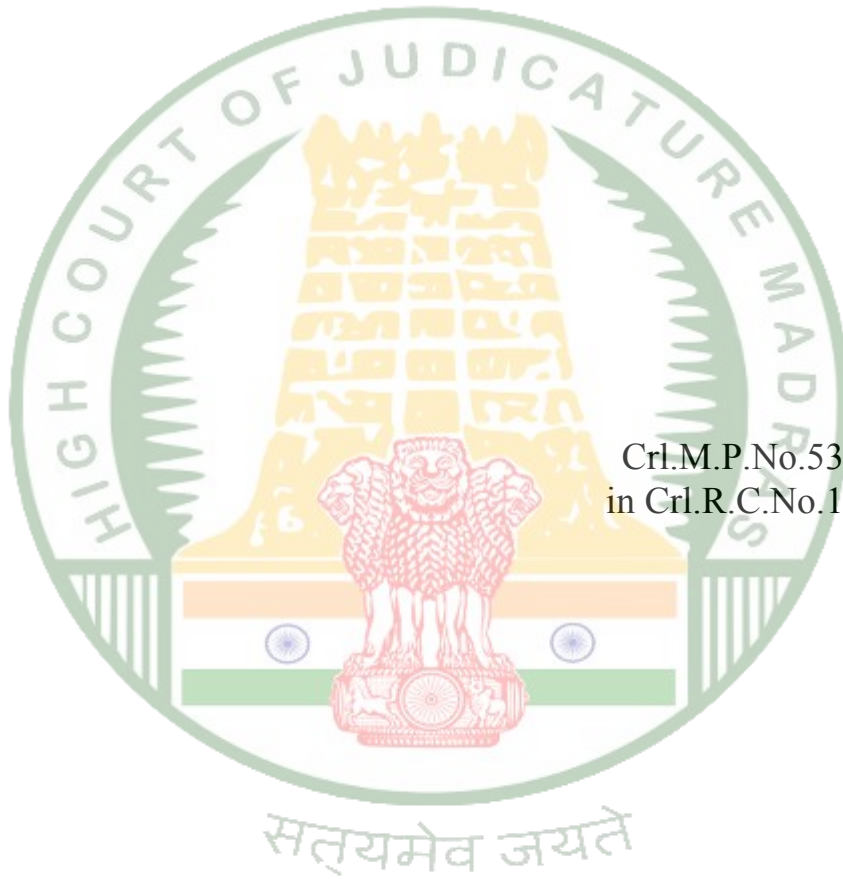
3.The Public Prosecutor,
Madras High Court,
Chennai – 600 104.



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P.N.PRAKASH, J.

nsd



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