

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:21.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.14725 of 2020

Karthikeyan (M/25)
S/o Ponnusamy
3/200 , Ellakattu Garden,
Muraiandampalayam,
Avinashi, Tiruppur District.

...Petitioner

Vs.

State represented by the
Inspector of police,
Avinashi Police Station,
Crime No.173/2020.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to set aside the order dated 02.09.2020 made in C.M.P.No.949 of 2020 on the file of the Principal Sessions Judge, Tiruppur which seeks modification of the condition, by allowing this Criminal Original petition.

For Petitioner : Mr.R. Prabakar

For Respondent : Mr.S. Karthikeyan
Additional Public Prosecutor

ORDER

This petition has been filed challenging the order passed in C.M.P.No.949 of 2020 dated 02.09.2020, wherein the petitioner sought for modification of the condition imposed by the trial Court.

2. The learned counsel for the petitioner submitted that the petitioner owned a Tipper lorry bearing Registration No.TN 36 S 3000 (Chassis No. MBIG3DYCOBERF9890), Engine No. RBE154831Z which was seized in pursuant to the crime No.173 of 2020 and registered under Sections 379(N) IPC @ 379 (N) r/w 4 (1A), 21(1) of Mines and Minerals (Development and Regulation) Act 1957. After seizing the vehicle it was produced before the Trial Court in P.R.No.24 of 2020. Hence, the petitioner filed a petition

under Section 451 of Cr.P.C for return of his vehicle in C.M.P.No.867 of 2020 and the same was ordered by the Trial Court subject to the following conditions:

i) It is directed that the interim custody of the vehicle is entrusted to the petitioner till the disposal of the case, on his execution of a personal bond for Rs.3,00,000/- and on production of the Original Registration Certificate of the Vehicle,

(ii) The petitioner shall not alter or alienate, or mortgage or encumber the vehicle, in any manner, till the disposal of the case,

(iii) The petitioner shall produce the vehicle as and when required by the Court. .

3. Aggrieved against the above order, the petitioner filed Cr.M.P.No.949 of 2020 to modify the condition "(a) It is directed that the interim custody of the vehicle is entrusted to the petitioner till the disposal of the case, on his execution of a personal bond for Rs.3,00,000/- and on production of the Original Registration Certificate of the Vehicle." imposed in C.M.P.No.867 of 2020 for the reason the said vehicle was purchased on hire purchase agreement. The said submission was not considered by the Trial Court and dismissed. Therefore, the petitioner has filed the present petition.

4. The learned Additional public prosecutor submitted that the petitioner's vehicle has involved in Crime No.173 of 2020 for the offences under Sections 451 of Cr.P.C on the file of the respondent. In pursuant to the same the said vehicle was seized and produced before the Trial Court in P.R.No. 24 of 2020. The Trial Court rightly directed the petitioner that on production of the Original Registration Certificate, the vehicle can be released. Therefore, the Trial Court rightly dismissed the modification petition filed by the petitioner herein and it does not require any modification.

5. Heard Mr.R.Prabakar, learned counsel for the petitioner and Mr.S.Karthikeyan, learned Additional Public Prosecutor.

6. On perusal of records it is seen that the petitioner's vehicle was seized in connection with a case in Crime Number 173 of 2020 under sections 379(N) @ 379 (N) IPC r/w 4 (1A), 21(1) of Mines and Minerals (Development and Regulation) Act 1957. In pursuant to the same the vehicle was seized and produced before the Trial Court in P.R.No.24 of 2020. Thereafter, the petitioner has filed a petition for return of vehicle under Section 451 of Cr.P.C in C.M.P. No. 867 of 2020 and the same was allowed on the following conditions:

i) It is directed that the interim custody of the vehicle is entrusted to the petitioner till the disposal of the case, on his execution of a personal bond for Rs.3,00,000/- and on production of the Original Registration Certificate of the Vehicle,

(ii) The petitioner shall not alter or alienate, or mortgage or encumber the vehicle, in any manner, till the disposal of the case,

(iii) The petitioner shall produce the vehicle as and when required by the Court.

7. It is seen that since the petitioner's vehicle was purchased under Hire purchase agreement with a private financier and the petitioner could not able to produce the Original Registration Certificate as directed by the Trial Court. Therefore, the petitioner again filed a petition in Cr.M.P.No.949 of 2020 and the same was also dismissed by an order dated 02.09.2020.

8. Considering the above submissions and the petitioner's original RC book was not in possession of the petitioner, and it is in possession of a private financier, he could not able to produce the Original Registration certificate before the Trial Court, the conditions imposed by the Trial Court is modified to the extent that it would be suffice if the petitioner produces a copy of the RC book by certifying from the private financier for the vehicle bearing Registration No. TN 36 S 3000 (Chassis No. MBIG3DYCOBERF9890) Engine No. RBE154831Z. The other conditions imposed by the Trial Court shall remains intact.

9. This Criminal Original petition is disposed of accordingly.

Sd/-

सत्यमेव जयते
Assistant Registrar

//True Copy//

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Sub Assistant Registrar

To

1. The Principal Sessions Judge, Tiruppur.

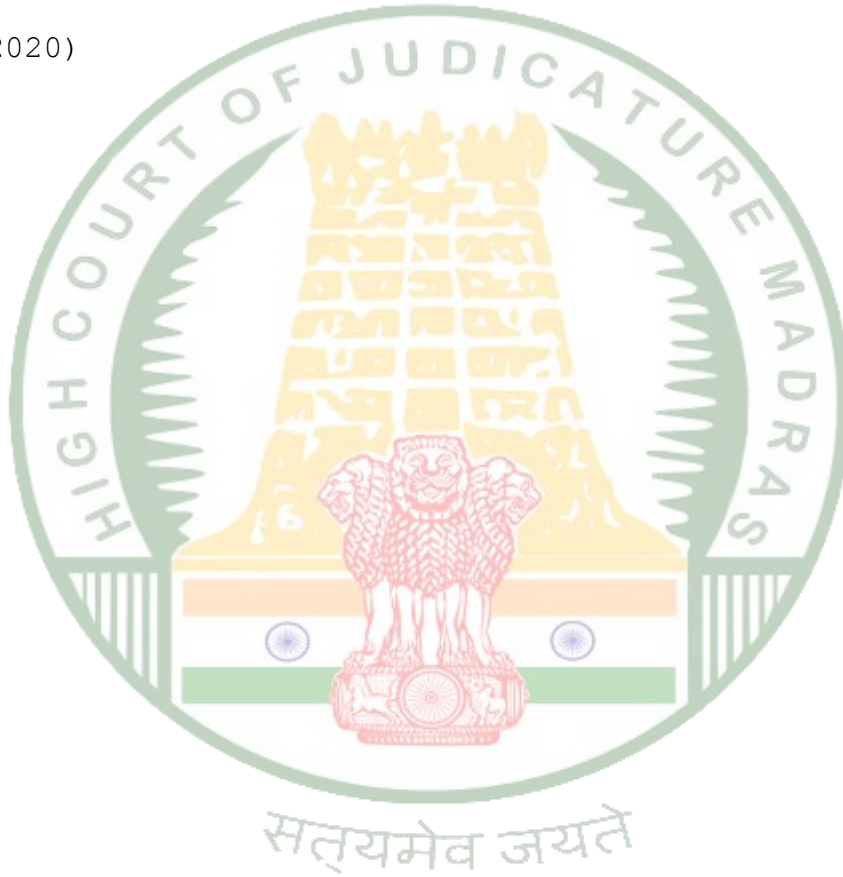
2. The Inspector of Police,
Avinashi Police Station,
Crime NO.173/2020

3. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.R.Prabakar, Advocate in SR.NO..30924

Cr1.O.P.No.14725 of 2020

SAI (CO)
RV(15/10/2020)



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