

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2020

CORAM:

THE HON'BLE MR.JUSTICE T.RAVINDRAN

Crl.O.P.No.16867 of 2020

ONROADZ CAR RENTALS Private Limited,
Rep by, Ram Prasath Vengatesan,
S/o, Vengatesan,
2/4, Vidhya Nagar,
Civil Aere Sitra,
Coimbatore.Petitioner

-Vs-

1. The Inspector of Police,
Kotagiri Police Station,
Nilgiris.
2. Sandeep Raju,
S/o, Raju,
B-5, Machester Sitara Thanner pandal,
Coimbatore - 641 004.
3. Rajthilak Subramaniam,
S/o, Subramaniam,
8/3, Bharathi Nagar,
Maruthamalai Road,
Pappanaickenpudur,
Coimbatore - 641 041.
4. Vignesh,
S/o, Durai,
88, NSK Street,
Selvapuram,
Coimbatore - 641 026. Respondents

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to modify the conditions imposed by the Judicial Magistrate in C.M.P.No.732 of 2020 on 25.08.2020.

For Petitioner : Mr.J.Kingsly Solomon

For R1 : Ms.M.Prabhavathi
Additional Public Prosecutor

O R D E R

The Criminal Original Petition has been laid by the petitioner seeking modification of the conditions imposed on him by the Judicial Magistrate, Kotagiri while ordering the return of vehicle involved in Crime No.382 of 2020 on the file of the first respondent police station in C.M.P.No.732 of 2020 vide order dated 25.08.2020.

2. While seeking the custody of the vehicle involved in the crime, the petitioner had undertaken that he would bring the vehicle to the court or any other appellate court whenever required by the court or appellate court. Further the petitioner had also undertaken that he will not sell or mortgage or alter the nature of the property until the disposal of the main case and undertaken to produce the original RC book of the vehicle and also undertaken that he is willing to produce any surety for the interim custody of the vehicle and accordingly prayed for appropriate orders.

3. Based on the submissions made by the petitioner as well as the arguments putforth by the first respondent police and considering the facts and circumstances of the case, the Court below had directed the return of the vehicle involved in the crime to the petitioner on conditions.

4. For ensuring the safe custody of the vehicle, it is seen that the Court below had, inter alia directed the petitioner to execute a bond for a sum of Rs.5,00,000/- along with two sureties for the like sum (with solvency certificate) and also directed him that the vehicle should not be taken to any other state other than Tamilnadu and also further directed that the vehicle should be produced in the Court at 10 am on the first working day of each calendar month and to produce the vehicle before the court whenever the court directs.

5. Seeking to modify the abovesaid conditions, the petitioner has preferred the Criminal Original Petition. However, when the petitioner had been directed only to execute a bond for Rs.5,00,000/- with two sureties for the likesum, the contention putforth by the petitioner's counsel that the abovesaid condition is onerous, as such, cannot be accepted. The petitioner himself had assured to produce any surety for getting the interim custody of the vehicle. On that basis, he having obtained the order from the court below, cannot be now allowed to state that the abovesaid condition issued by the Court below is onerous or heavy.

6. Similarly, when the petitioner had undertaken to produce the vehicle as directed by the Court and accordingly when the court had ordered the production of vehicle on a particular date and also for ensuring the proper custody of the vehicle, the court has further directed that the petitioner should not take the vehicle to any other state other than Tamilnadu, the petitioner is bound to comply with the directions issued by the Court below for taking the custody of the vehicle.

7. The abovesaid conditions imposed by the Court below, in my considered opinion, cannot be held to be onerous or burdensome. The abovesaid conditions are found to have been imposed by the Court below only for ensuring the safe custody of the vehicle. Considering the facts and circumstances of the case and in such view of the matter, I do not find any valid or acceptable reason to modify the conditions imposed by the Court below.

8. In conclusion, the Criminal Original Petition is dismissed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

mfa

To

1 The Judicial Magistrate,
Kothagiri, Nilgiris.

2. The Inspector of Police,
Kotagiri Police Station,
Nilgiris.

3. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.J.Kingsly Solomon, Advocate Sr.No.36803

CrI.O.P.No.16867 of 2020

RGN(CO)
KP(19/12/2020)