



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.11466 of 2020

WEB COPY

Parthasarathy

... Petitioner

Vs.

State rep.by

The Inspector of Police,
Andipatti Police Station,
Theni District.

Crime No.433 of 2020.

... Respondent

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to modify the conditions imposed in order in Cr.M.P.No.2146 of 2020, dated 09.09.2020 passed by the learned Judicial Magistrate, Andipatti, in so far as conditions 2, 4 and 5 for return of the vehicles/buses bearing registration Nos.NL01B1408 and NL01B1409.

For Petitioner

: Mr.B.Janarth Kumar

For Respondent

: Mr.V.Neelakandan,

Additional Public Prosecutor.

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

2.The petitioner is the owner of the buses bearing Registration Nos.NL 01 B 1408 and NL 01 B 1409. The accused in Crime No.433 of 2020, promised the petitioner herein and have a some amount as advance to the petitioner and took the custody of the vehicles as well as the documents.

3.It appears that some persons had indulged in some criminal activities. They appear to be ferried the persons with fake E.Pass. Therefore, Crime No.433 of 2020 came to be registered on the file of the Inspector of Police, Andipatti Police Station, Theni and the buses were also seized. The petitioner is not figuring as an accused in this case. The petitioner wants return of the vehicles. The Court below allowed the petitioner's petition by the impugned order dated 09.09.2020. But, then the following conditions were imposed:



"1. The petitioner shall produce proof of his identity and address.

2.The petitioner shall produce the Original RC book.

3.The petitioner shall produce photographs and CD of the property.

4.The petitioner shall execute a bond for a sum of Rs.1,50,00,000/- with two sureties.

5.The petitioner shall produce the vehicle before this Court every 1st Working day of month.

4.The petitioner is aggrieved by the stipulation of the condition Nos.2, 4 and 5. The petitioner cannot produce the original RC Book, because, it is with the accused, who are now said to be absconding. The petitioner is a regular operator. Therefore, producing the vehicle in every month before the Court below on the first working day, will cause great hardship. The petitioner states that he is the regular operator based in Karur and that he has not run away. He will not alienate the vehicle. The vehicles are in custody of the respondent for more than seven months. They must have also lost their value substantially.

5.Taking note of the submissions made by the learned counsel for the petitioner, condition Nos.2 and 5 are deleted. The petitioner shall produce the photo copy of the R.C.Book. The petitioner shall execute a bond for a sum of Rs.1 lakh with two sureties. The conditions imposed by the Court below is modified. This Criminal Original Petition is allowed.

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

das

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To:

1.The Judicial Magistrate,
Theni.

2.The Inspector of Police,
Andipatti Police Station,
Theni District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.B. JANARTHKUMAR, Advocate (SR-20423[F] dated
16/10/2020)

Crl.O.P. (MD) No.11466 of 2020
16.10.2020

PK(CO)
TR(16.10.2020) 3P 5C