

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.5369 of 2021

Syed Sultan

.. Petitioner/3rd Party

Vs.

The State Rep. by
The Inspector of Police,
N-3, Muthialpet Police Station,
Chennai
Crime No.956 of 2020

.. Respondent/Respondent

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. to modify the conditional No.4 imposed in Crl.M.P.No.4729 of 2020 in Crime No.956 of 2020 dated 27.11.2020 by the learned XVI Metropolitan Magistrate, George Town, Chennai by directing the petitioner to appear along with vehicle before the respondent police as and when required by respondent instead of appearing before the respondent police on every first working day of every month along with the vehicle.

For Petitioner : Mr.A.P.Sathiyamoorthy

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed seeking to modify the condition imposed by the Court below while allowing the application filed by the petitioner for return of vehicle.

2.The petitioner is the owner of the vehicle which was seized by the respondent police in the course of investigation in Crime No.956 of 2020. It is alleged that the car belonging to the petitioner was used by the accused persons for committing the alleged crime.

3.The petitioner filed an application before the Court below under Section 451 Cr.P.C. seeking for return of vehicle. The Court below on consideration of the facts and circumstances and also taking in to account that petitioner is not an accused in this case, allowed the application by imposing certain conditions.

4.The petitioner is aggrieved by the 4th condition imposed by the Court below wherein the Court below had directed the petitioner to produce the vehicle on the first working day of every month before the respondent police at 10 a.m., until further orders.

5.The learned counsel for the petitioner submitted that the petitioner is using the vehicle for his business purposes and he has already complied with the condition imposed by the Court below for nearly three months and the condition imposed by the Court below is onerous and is preventing the petitioner from using his vehicle for his business purposes. The learned counsel submitted that the petitioner will comply with all the other conditions and he will also produce the vehicle as and when required by the respondent police.

6.Heard learned Additional Public Prosecutor appearing on behalf of the respondent.

7.Taking into consideration the facts and circumstances of the case, this Court is inclined to modify the 4th condition imposed by the Court below and the condition is modified to the extent that the petitioner will produce the vehicle as and when required by the respondent police during the course of investigation. The other conditions as imposed by the Court below while passing orders in CrI.M.P.No.4729 of 2020, will stand as it is.

8. This criminal original petition is disposed of accordingly.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub-Assistant Registrar

ssr

To

1. The XVI Metropolitan Magistrate,
George Town, Chennai.
2. The Inspector of Police,
N-3, Muthialpet Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.A.P.SATHYAMURTHY, ADVOCATE, SR.NO. 16838

Cr1.O.P.No.5369 of 2021

SKY (CO)
KKN 20.04.2021