



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.17542 OF 2021

Saravanan

... Petitioner

Versus

State: Station House Officer,
Maruvathur Police Station,
Perambalur District.
Cr.No. 162 of 2021.

... Respondent

PRAYER:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to modify the condition No (vi) to produce the vehicle every month first working day which passed in Crl.M.P.No.1345 of 2021 order dated 22.07.2021 on the file of Judicial Magistrate - II Perambalur.

For Petitioner : Mr.S.Saranraj

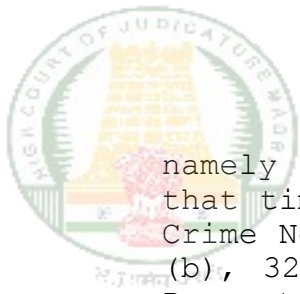
For Respondents : Mr.A.Damodharan,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to modify the condition No.5 of the order in Crl.M.P.No.1345 of 2021 dated 22.07.2021 passed by the Judicial Magistrate-II, Perambalur.

2. The petitioner, who is the owner of the Maruthi Suzuki Ritz bearing registration No.TN-46 V 6280, had filed a modification petition in Crl.M.P.No.1345 of 2021 before the Judicial Magistrate No.II, Perambalur and the same was allowed on 22.07.2021 with certain conditions. One of the conditions, i.e. 6th condition, is that the petitioner should produce the vehicle every month first working day. Now, seeking modification of the 6th condition, the present petition has been filed.

3. The learned counsel for the petitioner would submit that the petitioner is not an accused. One of his his relatives,



namely Palanisamy, has taken his car for his personal use. At that time, the said Palanisamy and others involved in a case in Crime No.162 of 2021 for the offence under Section 147, 148, 294 (b), 323, 324, 307 & 506 (ii) of IPC and 3 of Tamilnadu Public Property (Prevention of damage and loss) Act. The allegation is that the car was used by the accused to travel and nothing more. He would further submit that the petitioner is a farmer and doing small time business and for the business, he has to travel to various places. Due to the condition of producing the vehicle before the trial Court on first working day of every month, his business is getting hampered and he is unable to carry on his business.

4. The learned Additional Public Prosecutor submitted that the petitioner is not an accused in the case, whereas, the petitioner's relative had used his car to travel. At that time, there was wordy quarrel and a case in Crime No.162 of 2021 has been registered. The petitioner's car was handed over to the petitioner with certain conditions, vide order dated 22.07.2021 passed by the Judicial Magistrate No.II, Perambalur.

5. This Court considered the submissions and perused the materials available on records carefully.

6. Considering the submissions, and from the perusal of the materials, it is seen that the petitioner has been complying with all the conditions. Now, the petitioner is finding difficult to comply with regard to the 6th condition alone. Further, as per the 5th condition of the said order, the petitioner has to produce the car in the same physical condition before the concerned Court when it is required. Moreover, he had also executed bond and undertaking affidavit to safe guard the interest of the case. Hence, the 6th condition is only a superfluous one, which would not affect the investigation or trial.

7. In view of the same, this Criminal Original Petition is allowed and the condition No.5 of the order, passed by the Judicial Magistrate, No.II, Perambalur in CrI.M.P.No.1345 of 2021, dated 22.07.2021, alone is set aside and the other conditions remain unaltered.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

mrp



To

1. The Station House Officer,
Maruvathur Police Station,
Perambalur District.

2. The Public Prosecutor,
High Court, Madras.

CRL.O.P.NO.17542 OF 2021

CA (CO)
PBS/29/10/2021