



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.17553 of 2021

A.Mohamed Haris.

...Petitioner

Versus

State by
Inspector of Police
Sulur Police Station
Coimbatore District
(Crime No.380/2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to modify the part of the conditions namely condition number (iii) and (v) in the order passed by the Learned Judicial Magistrate, Sulur at Coimbatore District in Cr1.M.P.No.1209/2021 dated 12.08.2021.

For Petitioner : Mr.M.Mohamed Muzammil.

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

ORDER

This Criminal Original Petition has been filed to modify part of the conditions, namely, condition No.3 & 5 of the order in Cr1.M.P.No.1209 of 2021, dated 12.08.2021.

2. The petitioner had filed a petition, in Cr1.M.P.No.1209 of 2021 before the Judicial Magistrate, Sulur, seeking return of his car and the same was allowed on 12.08.2021 with certain conditions. Now, seeking modification of the condition No.3 and 5, the present petition has been filed.

3. The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case. The petitioner is working in the middle East and due to the prevailing Covid-19 situation, he came to India, presently residing at Sulur. In the meanwhile, he has started a Dhaba in his residence, which was objected by the neighbours. Due to which, the petitioner has been falsely implicated in a case in



Crime No. 380 of 2021 under Immoral Traffic (Prevention) Act and projected that the petitioner used his Honda City Diesel Car bearing registration No.TN-37-BK-1011 for the said occurrence. Thereafter, the same has been seized and later returned back to the petitioner.

4. The learned Additional Public Prosecutor submitted that in this case, there are totally 6 accused. The petitioner had used his Honda City Car for committing offence under Immoral Traffic Act. The respondent police arrested the petitioner and other accused. At the time of arrest, petitioner's vehicle, Samsung Mobile Phone and other articles were seized. Later the Car has been returned to the petitioner with conditions. Now seeking relaxation of the conditions cannot be permitted since the petitioner might take away the vehicle and sell the same by using the original RC book. Hence, he strongly opposed this petition.

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 is the owner of the car, which is not in dispute. Hence, this Court is inclined to allow the petition with certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the condition Nos.3 and 5 of the order in Crl.M.P.No.1209 of 2021, dated 1.08.2021 is set aside. Other conditions remain unaltered. However, the petitioner is directed to file an affidavit of undertaking before the lower Court stating that the vehicle will be maintained by him in the same physical condition and he shall produce the vehicle as and when directed by the Investigating Officer or by the concerned Court. In the affidavit, he would also state that the vehicle would not be encumbered or alienated in any manner. Further the petitioner is also directed to produce the original RC book along with self attested photostat copy of the RC book before the concerned court. After verification, the lower Court is directed to return the original RC Book to the petitioner .

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar



1. The Judicial Magistrate,
Sulur, Coimbatore.
2. The Inspector of Police
Sulur Police Station
Coimbatore District.
3. The Public Prosecutor,
High Court,
Madras.

+1cc to Mr.Mr.M.Mohamed Muzammil., Advocate, S.R.No.50981

CRL.O.P.No.17553 of 2021

KSM[co]
NSK 26/10/2021