



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.2492 of 2022

R.Vinoth Kumar

...Petitioner/Accused

Vs.

State represented by:

The Sub-Inspector of Police,
Ambur Taluk Police Station,
Ambur.

...Respondent/Complainant

(Crime No.501 of 2021)

PRAYER: Criminal Original Petition is filed under Section 482 of the Criminal Procedural Code to, call for the records in Cr.M.P.No.4839 of 2021 and set aside the third condition imposed in Cr.M.P.No.4839 of 2021 dated 23.12.2021, passed by the Principal Sessions Court, Vellore.

For Petitioner : Mr.P.Pugalenthir

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking to call for the records in Cr.M.P.No.4839 of 2021 and set aside the third condition imposed in Cr.M.P.No.4839 of 2021 dated 23.12.2021, by the Principal Sessions Court, Vellore.

2. Learned Counsel for the petitioner would submit that the petitioner is the owner of the JCB bearing Registration No. TN-29-BC-2831, Engine No.H00101323. The petitioner had purchased the vehicle through finance facility given by Shriram Transport Finance Company Ltd., and the RC book of the vehicle is retained by the financier. While so, the respondent police seized the vehicle in Crime No. 501 of 2021 for the offence under Sections 379, 430 IPC r/w 21(1) of the Mines and Minerals Act. The petitioner had filed an application for return of property in Cr.M.P.No.4839 of 2021 before the Principal Sessions Court, Vellore and the Learned Judge by order dated 23.12.2021 had



directed to return the vehicle with a condition to submit the original RC book of the vehicle before the Additional District Magistrate - cum - Judicial Magistrate, Ambur. Since the RC book is retained by the financier / Shriram Transport Finance Company Ltd., the petitioner is unable to comply with the condition imposed in clause 3 of the order and thereby, the present Criminal Original Petition is filed to set aside the third condition imposed by the Principal Session Judge, Vellore. The petitioner has also produced a letter dated 08.02.2022 by the financier / Shriram Transport Finance Company Ltd., stating that the original RC book is retained in their office in respect of Loan No.AAMERT905130002.

3. Mr.Gokulakrishnan, learned Additional Public Prosecutor appearing for the respondent would submit that only in order to protect the interest of the respondent police, such an order has been passed to prevent the petitioner from transferring the ownership of the vehicle to third parties to defeat confiscation proceedings.

4. At this juncture, the learned counsel for the petitioner would submit that the petitioner is ready to file a letter of undertaking from the financier before the Additional District Magistrate cum Judicial Magistrate, Ambur Court stating that the ownership of the vehicle will not be transferred to any third party without any orders from the Court.

5.Heard Mr.P.Pugalenth, learned counsel for the petitioner and Mr.A.Gokulakrishnan, Additional Public Prosecutor appearing for the respondent.

6.Recording the submissions made by either side, this Criminal Original Petition is allowed. The condition No.(3) imposed by the Principal Sessions Court, Vellore in CrI.M.P.No.4839 of 2021 dated 23.12.2021 is modified to the effect that "The petitioner is directed to submit the letter of undertaking from the Shriram Transport Finance Company Ltd., stating that the ownership of the vehicle JCB bearing Registration No.TN-29-BC-2831 will not be transferred without obtaining necessary orders from the Additional District Magistrate cum Judicial Magistrate, Ambur." Other conditions stand unaltered.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

sp/rst



To

1. The Principal Sessions Judge,
Vellore.

2. The Sub-Inspector of Police,
Ambur Taluk Police Station,
Ambur.

3. The Additional District Magistrate
Cum Judicial Magistrate,
Ambur.

4. The Public Prosecutor,
Madras High Court.

+1cc to Mr.P.Pugalenth, Advocate, S.R.No.9104

Cr1.O.P.No.2492 of 2022

JP-II(CO)
RGA(14/02/2022)