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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.3630 of 2022

Chinnapandi

... Petitioner

Vs.

State rep by
The Inspector of Police,
Thiruvallam Police Station,
(Crime No.141 of 2020)

... Respondent

PRAYER: This Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, pleased to call for the records in Crl.M.P.S.R.No.8412 of 2021 on the file of the Principal District Sessions Judge, Vellore dated 06.12.2021, set aside the returned docket order and direct the learned Principal District and Sessions Judge, Vellore to accept the surety amount of Rs.10,000/- in cash instead of R.C. Book and order to return the R.C. Book of the Lorry bearing Reg No.TN-12-AA-2334.

For Petitioner : Mr.S.Sengkodi

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petition has been filed to call for the records in Crl.M.P.S.R.No.8412 of 2021 on the file of the Principal District Sessions Judge, Vellore dated 06.12.2021 and to set aside the returned docket order and direct the learned Principal District and Sessions Judge, Vellore to accept the surety amount of Rs.10,000/- in cash instead of R.C. Book and to return the R.C. Book of the Lorry bearing Registration No. TN-12-AA-2335.

2.The case of the petitioner is that he stood as a surety to one Muthulingam who was granted bail by the learned Principal District and Sessions Judge, Vellore in Cr.M.P.No.3363 of 2020 dated 21.12.2020 in connection with Cr.No.141 of 2020.

3.At the time of granting bail to Muthulingam, he was directed to execute a bond for Rs.10,000/- along with two



sureties for a like sum to the satisfaction of the learned Principal District and Sessions Judge, Vellore and the petitioner had submitted xerox copies of the sale deed of his property and also the original R.C.Book of the Lorry owned by him bearing Registration No.TN-12-AA-2335. The R.C. Book is still in the custody of the learned Principal and District Sessions Judge, Vellore. For the purpose of obtaining fitness certificate, the petitioner had filed the petition seeking for return of R.C.Book and the petitioner had offered to deposit cash surety for a sum of Rs.10,000/- in lieu of the R.C.Book being returned. However, the learned Principal District and Sessions Judge, Vellore had returned the petition stating that it is not maintainable. As against the order of return dated 06.12.2021, the present petition has been filed.

4.The learned counsel for the petitioner would submit that the petitioner is not an accused in this case. He only stood as a surety and at the time of furnishing surety, the petitioner was directed to deposit the original R.C.Book, now the original R.C.Book is required for obtaining fitness certificate for the vehicle and he had filed the petition seeking for return of R.C.Book and the learned Principal District and Sessions Judge had returned the papers stating that the petition is not maintainable, she would submit that no prejudice would be caused to the respondent if the original R.C.Book being returned to the petitioner and it is to be noted that the concerned vehicle is not involved in the offence.

5.The learned Additional Public Prosecutor would submit that the petitioner only stood as a surety and he was directed to deposit the original R.C.Book of the lorry and he would submit that the concerned vehicle is not involved in the offence.

6.In view of the above, the order of return dated 06.12.2021 passed by the learned Principal District and Sessions Judge, Vellore in Cr.M.P.Sr.No.8412 of 2021 is set aside. The learned Principal District and Sessions Judge, Vellore is directed to return the original R.C.Book of the Lorry bearing Registration No.TN-12-AA-2335 to the petitioner on condition the petitioner shall deposit a sum of Rs.10,000/- in lieu of return of original R.C.Book. The amount of Rs.10,000/- shall be returned to the petitioner after the disposal of the trial in main case.

7.With the above directions, this criminal original petition stands allowed.

Sd/-
Assistant Registrar(DIGIT)

//True Copy//

Sub Assistant Registrar



JAS/TSH

To

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1. The Principal District and Sessions Judge,
Vellore.
2. The Inspector of Police,
Thiruvalam Police Station,
(Crime No.141 of 2020).
3. The Public Prosecutor,
High Court of Madras.

+1cc to Ms.S.Sengkodi, Advocate, S.R.No. 12844

Cr1.O.P.No.3630 of 2022

AK-II (CO)
TE (28/02/2022)