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Crl.O.P.No.22548 of 2023



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

Dated : 04.10.2023

CORAM :

**THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN**

**Crl.O.P.No.22548 of 2023**

Madhan Prabu

... Petitioner

-VS-

The State Rep by  
Inspector of Police,  
All Women East Police Station,  
Coimbatore District.

...Respondent

**PRAYER :** Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to modify the condition in serial No.b, c, f passed by the Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore in Crl.M.P. No.731 of 2023 in Crime No.2 of 2022 dated 07.07.2023.

For Petitioner

: Mr.C.K.Chandrasekar for  
Mr.R.Vijayakumar

For Respondent

: Mr.S.Udaya Kumar,  
Government Advocate (Crl.Side)

**ORDER**

The petitioner herein is the owner of the Skoda Car bearing Registration No.TN37 DH 4192. It is alleged that the driver engaged by the petitioner kidnapped his daughter using his car. A case has been registered in Crime No.2 of 2022 by All Women Police Station East, Coimbatore. The car used for kidnapping the girl was seized and produced before the Court. As the owner of the car, the petitioner has filed an Application under Section 451 of Cr.P.C to give the interim custody of the car. The trial Court allowed the said Application on 07.07.2023 imposing certain conditions. Being aggrieved by conditions b, c and f, the present petition is filed for modification.

2. On perusal of the three conditions indicates that the petitioner is directed to (i) deposit original Registration Certificate Smart Card of the said vehicle before the Court, (ii) Owner of the car should produce the vehicle before the complainant Inspector of Police, AWPS East, Coimbatore whenever it is required for investigation and (iii) the petitioner is directed to produce the vehicle (involved in the occurrence) on the 1<sup>st</sup> working day of every English Calendar month until further orders.

3. This Court finds force in the submission made by the learned counsel



for the petitioner that if the original Registration Certificate Smart Card is deposited in the Court, it will be difficult for the car owner to use the car and production of the car before the Inspector of Police as and when required is also not required, equally, the production of vehicle on the first working day of every English Calendar month also needs reconsideration.

4. The learned Government Advocate (Crl.Side) submits that since the Court imposed the conditions, the petitioner should give an undertaking to the Court that he shall not sell or alienate or change the nature and colour of the said vehicle and produce it before the Court for investigation and marking it as a Material Object, it is suffice, the petitioner gives the above undertaking by way of an affidavit and give photo copy of the Registration Certificate Smart Card.

5. Considering the submission, this Court modified the condition imposed by the trial Court order dated 07.07.2023. Conditions (b), (c) and (f) imposed by the trial Court shall be read as below:

*“The petitioner shall submit a photo copy of the Registration Certificate Smart Card along with an undertaking affidavit that he will produce the vehicle before the Court as and when required and will not*



*alienate or transfer the vehicle either will change the physical feature of the vehicle without permission of the Court.”*

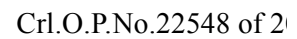
6. While disposing this petition, this Court is also disheartened the manner in which the investigation so far conducted in the case. The FIR indicates 13 years old girl kidnapped for ransom. Except the driver, the other accused not even secured and there is no progress in the investigation and the vehicle, which is the subject matter of this petition recovered by the police on 09.07.2022 at Tiruppur and produced before the Court nearly after 11 months on 03.06.2023. The custody and usage of the vehicle for 10 months remain unexplained.

7. The Court expects that the Investigation Officer to bestow her skill and knowledge in investigation and complete the investigation within the reasonable time and file final report. If the final report is not filed within two months, the defacto complainant is at liberty to approach the Court for appropriate direction.

**04.10.2023**

Internet : Yes/No  
Index : Yes/No  
rkp

To



- Dr.G.JAYACHANDRAN, J.**

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