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CrL.OP.No.17612 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrL.OP.No.17612 of 2024

Parkavaraman

... Petitioner

Vs.

1. State rep.by

The Inspector of Police,
R7, K.K.Nagar Police Station,
T-Nagar, Chennai.
(Cr.No.109 of 2024)

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C, to modify the conditional order passed in CrL.M.P.No.11316 of 2024 dated 09.07.2024 passed by the learned XXIII Metropolitan Magistrate (FAC), Saidapet, “ (e) The petitioner shall produce R.C book before this Court” as deem fit and proper in the circumstances of the case.

For Petitioner : Ms.M.Kruthika

For Respondent : Mr.K.M.D.Muhilan
Government Advocate (CrL. Side)



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ORDER

This Criminal Original Petition is filed by one Parkavaraman who is the owner of the two wheeler (TVS NTORQ 125 Rays Edition (Red +BLK) bearing Regn.No.TN-02-CA-4614 which was seized by the police in connection with offence under Sections 324, 323, 506(ii) IPC registered in Cr.No.109 of 2024 on 14.05.2024 by R7 K.K.Nagar Police Station.

2. According to the petitioner, he being the owner of the vehicle which was alleged to have been used by his grand son for the crime stated in the FIR filed application under Section 457 r/w 451 Cr.P.C. for temporary custody of the vehicle.

3. The learned XXIII Metropolitan Magistrate, Saidapet, Chennai vide order dated 09.07.2024 allowed the petition on condition that he should execute a bond for Rs.60,000/- with two sureties of Rs.5,000/- each not to alter the physical feature of the property or make any encumbrance and shall produce the property before the Court as and when directed to file a clean photograph of the property and also to produce R.C.Book in original.



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4. The grievance of the petitioner espoused in this petition is that though he is ready to comply all the conditions he is not in a position to produce the original RC book, since the vehicle been hypothecated with the financier and the RC Book is held by the said financier. Therefore, seeks for modification of that particular condition.

5. The learned counsel appearing for the petitioner submits that the petitioner is ready to file affidavit of the financier stating the fact that the RC Book is with him and he will not part away the RC Book on any account unless the trial court directs.

6. Considering the above submission, this Criminal Original Petition is disposed of with a direction to the petitioner herein to file petition before the trial Court along with the supporting affidavit of the financier with necessary undertaking and subject to the satisfaction of the trial court, necessary order be passed modifying the earlier order passed in CrL.MP.No.11316 of 2024 dated 09.07.2024.

05.08.2024

Vv



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To
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1. The XXIII Metropolitan Magistrate (FAC),
Saidapet
2. The Inspector of Police,
R7, K.K.Nagar Police Station,
T-Nagar, Chennai.
3. The Public Prosecutor,
High Court of Madras.



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Dr.G.JAYACHANDRAN,J.

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