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CrL.OP.No.20404 of 2024

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

DATED : 23.08.2024

CORAM

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN**

CrL.OP.No.20404 of 2024

Sugumar

... Petitioner

Vs.

State, Rep.by  
The Inspector of Police,  
Sriperumbudur Police Station,  
Kancheepuram District.  
(Cr.No.977 of 2023)

... Respondent

**Prayer:** Criminal Original Petition is filed under Section 528 of BNSS, to direct the Hon'ble Judicial Magistrate, Sriperumbudur to accept the sureties and release the vehicle in the above case in connection with the Cr.No.977 of 2023 pending on the file of the respondent police, as early as possible.

For Petitioner : Mr.A.Tamilselvan

For Respondent : Mr.S.Udayakumar  
Government Advocate (Crl.Side)



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## **ORDER**

**WEB COPY** The petitioner herein is the owner of vehicle bearing Regn.No.TN-14-R-5915 (Mahindra XUV). It is the case property in Cr.No.977 of 2023 before the learned Judicial Magistrate, Sriperumbudur.

2. The petitioner has filed an application for return of vehicle from the interim custody and the same was allowed by the learned Judicial Magistrate, Sriperumpudur on 12.02.2024 with following conditions:

*“1. The petitioner shall execute a personal bond of Rs.5,00,000/- to the satisfaction of this Court.*

*2. The petitioner shall furnish two sureties each for a sum of Rs.1,00,000/- to the satisfaction of this Court.*

*3. The petitioner should submit photographs of the case property together with Sec 65B Evidence Act Certificate. That the petitioner should produce original RC Book before this Court.*

*4. The petitioner shall produce the above property as and when required by this Court and during trial.*

*5. That the petitioner should not alter or assign, tamper*



*the case property”.*

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3. The petitioner herein after four months of the order has presented surety memo in compliance with the order passed by the learned Judicial Magistrate, Sriperumbudur . By that time, the case has been transferred to the Special Court for SC/ST offences at Kanchipuram, since the subject matter of the case involves offence under SC/ST (Prevention of Atrocities) Act. Therefore, the learned Judicial Magistrate has returned the surety memo with an endorsement stating that bundle transfer to the Hon'ble Principal District Court, Kanchipuram for trying the case under SC/ST offences.

4. From the records, this Court finds that the vehicle been seized and produced before the learned Judicial Magistrate, Sriperumbudur under C.P.No.322 of 2023. On transfer of the case to the Hon'ble Principal District Court, Kanchipuram, the learned Judicial Magistrate, Sriperumbudur has lost the superintendent over the matter and therefore the surety memo been returned.

5. In such circumstances, it is appropriate for the petitioner to approach the Principal District Judge, Kanchipuram where the matter been transferred and seeks for acceptance of the surety in terms of the



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order passed by the learned Judicial Magistrate, Sriperumpudur.

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6. If such any application is filed, the learned Principal District Judge, Kanchipuram shall entertain the application and pass appropriate order which will be in tune with letter and spirit of the Hon'ble Supreme Court Judgement rendered in *Sunderbhai Ambalal Desai and Others Vs. State of Gujarat (2002)*.

7. With the above directions, this Criminal Original Petition is disposed of.

23.08.2024

Vv

To

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



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**Dr.G.JAYACHANDRAN,J.**

Vv

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