



WEB COPY



Crl.R.C.No.1884 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.1884 of 2024

Chandhirapraha ... Petitioner / Accused

Vs.

The State rep by,
Inspector of Police,
Keelaiyur Police Station,
Nagapattinam District.
(Crime No.147 of 2024)

...

Respondent

Prayer: Criminal Revision Petition filed under Sections 438 and 442 of Bharatiya Nagarik Suraksha Sanhita, 2023 to set aside the order dated 27.09.2024 passed in Crl.M.P.No.615 of 2024 by the learned District Munsif cum Judicial Magistrate Court, Kilvelur, Nagappattinam District.

For Petitioner : Mr.K.P.Gnanasekaran

For Respondent : Mr.S.Balaji
Govt. Advocate (Crl.side)



WEB COPY

ORDER

This Criminal Revision Petition has been filed challenging the condition imposed for return of the petitioner's lorry which was involved in an offence.

2. The learned counsel for petitioner would submit that the learned Magistrate had imposed onerous conditions including directing to deposit Rs.2,00,000/- to the credit of crime number and also to produce the original RC Book of the vehicle; that the Original RC Book is required to ply the vehicle between States and that since the petitioner has been directed to execute a own bond for Rs.3,00,000/-, condition to deposit Rs.2,00,000/- may not be necessary.

3. Heard the learned counsel appearing for the petitioner as well as the Government Advocate (crl.side) and perused the records.

4. On perusal of the records it is seen that the condition imposed by the learned Magistrate to deposit Rs.2,00,000/- is onerous and would amount to denial of the petitioner's claim for vehicle which cannot be kept in the police



Crl.R.C.No.1884 of 2024

station for a long time as held by the Hon'ble Supreme Court. Further, as rightly contended by the learned counsel for the petitioner, the original R.C. Book may be required for the petitioner to ply the vehicle.

5. In the above circumstances, this Court is of the considered view that the order of the learned Judicial Magistrate imposing condition to deposit a sum of Rs.2,00,000/- and to produce the original R.C. Book of the vehicle is deleted and the other conditions imposed by the learned Judicial Magistrate shall remain unaltered. However, the petitioner shall file an affidavit of undertaking that he will not further alienate, encumber or tamper the vehicle and he shall produce the RC Book and the vehicle, as and when directed by the trial Court, pending disposal of the case.

6. With the above observations, the **Criminal Revision Case is partly allowed** to the extent indicated above.

07.11.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
rgr

SUNDER MOHAN, J.



Crl.R.C.No.1884 of 2024

rgr

WEB COPY

- To
- 1.The Inspector of Police,
Keelaiyur Police Station,
Nagapattinam District.
 - 2.The District Munsif cum Judicial Magistrate,
Kilvelur, Nagapattinam District.
 - 3.The Public Prosecutor,
High Court, Madras.

Crl.R.C.No.1884 of 2024

07.11.2024