



WEB COPY



Crl.O.P.No.29497 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.29497 of 2024

G.Suguna

... Petitioner

Vs.

State rep. by
The Inspector of Police,
P-2 Otteri Police Station,
Chennai.

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 BNSS, to modify the condition imposed in Crl.M.P.No.63320 of 2024, dated 28.10.2024 on the file of the learned X Metropolitan Magistrate, Chennai and allow the petitioner to produce the surety for below Rs.1,00,000/- without depositing the original documents in the Court.

For Petitioner : Mr.G.Sonai Bothi Rajan

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

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The petitioner was involved in the offence under Section 24(1) of the COPTA Act & Section 123 of the BNS in Cr.No.864 of 2024. At the time of arrest, the respondent-Police seized the vehicle bearing registration No.TN-04-BC-3284. The petitioner, therefore, sought return of the said vehicle, which was allowed in Crl.M.P.No.60261 of 2024 by the learned X Metropolitan Magistrate, Egmore, Chennai, on 17.10.2024, with the following conditions:-

"(i) This court is directed to hand over the Vehicle bearing Reg.No.TN 04 BC 3285 to the petitioner with proper identification and acknowledgment.

(ii) The petitioner is directed to execute a own bond a sum of Rs.1,00,000/- to the aforesaid vehicle along with one surety for the likesum to the satisfaction of this Court.

(iii) The petitioner is directed to produce original vehicle registration certificate before this Court.

(iv) The petitioner shall file an affidavit of undertaking not to sell or otherwise alienate the case of the properties.

(v) The petitioner is directed to produce the aforesaid property before this Court as and when required.

(vi) The petitioner shall take photograph and photocopy of the case properties and counter signs on the photocopy and produce the same bfore this Court."

However, with regard to condition No. (iii), which required the petitioner to produce the original registration certificate, the petitioner filed



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CrI.M.P.No.63320 of 2024, stating that the original registration book was under hypothecation. The learned X Metropolitan Magistrate, by order dated 28.10.2024, granted relief to the petitioner by modifying condition No.(iii). The learned Magistrate directed that, as the petitioner could not produce the original registration certificate due to hypothecation, the condition was modified to require the petitioner to produce proof of solvency. Now, the petitioner is before this Court challenging the order of the learned X Metropolitan Magistrate dated 28.10.2024, stating that she is a deserted woman with two female children, working as a daily wage laborer and the only breadwinner for her family, living in a rented house. She contends that she is unable to produce any solvency proof before the Court to establish ownership of the property.

2. Considering the facts and circumstances of the case, as well as the reasons stated in the affidavit that the petitioner is a daily wage laborer this Court is inclined to modify condition No.(ii) alone. Therefore, the petitioner is directed to execute a own bond for a sum of Rs.50,000/- for the aforesaid vehicle, along with one surety for the likesum to the satisfaction of the learned Metropolitan Magistrate. All other conditions imposed by the trial Court on 17.10.2024 remain unchanged, except for condition No.(iii), which was already modified by the learned X Metropolitan Magistrate, Egmore, in CrI.M.P.No. 63320 of 2024.



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3. With the above directions, this criminal original petition is disposed of.

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Index : Yes/No

Neutral Citation Case : Yes/No

Speaking Order : Yes/No

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To

- 1.The Inspector of Police,
P-2 Otteri Police Station,
Chennai.
- 2.The X Metropolitan Magistrate,
Chennai.
3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

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