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Crl.R.C.No.2260 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2024

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.2260 of 2024

Rani

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Petitioner

Vs.

The State rep by,
Inspector of Police,
R.S. Puram Police Station,
Coimbatore.
(Crime No.291 of 2024)

...

Respondent

Prayer: Criminal Revision Petition filed under Sections 438 r/w 442 of Bharatiya Nagarik Suraksha Sanhita, 2023 to set aside the conditional order made in Crl.M.P.No.3418 of 2024 dated 04.11.2024 on the file of the Hon'ble Additional District Judge/Presiding officer, Special Court for Essential Commodities Act Cases, Coimbatore in point 5(1) to produce two sureties for Rs.3,00,000/- to the satisfaction of the court and point 5(2) to produce original RC Book to the custody to the court.

For Petitioner : Mr.K.Pragadeesh Kumar
For Respondent : Mr.S.Udaya Kumar
Govt. Advocate (Crl.side)



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ORDER

The petitioner challenges the condition imposed by the learned Magistrate while allowing her petition for return of the auto which was seized during the investigation in Crime No.291 of 2024 on the file of the respondent.

2. The petitioner is the owner of the auto. According to the petitioner, A.1 took the auto on hire for a daily rent of Rs.250/-. The said auto has been seized from A.1 who is said to have transported ganja in the auto. The petitioner filed petition for return of vehicle which was allowed by the learned Magistrate *inter alia* on certain conditions. Two of conditions in the said order are that the petitioner shall produce two sureties each for Rs.3,00,000/- to the satisfaction of the trial court and produce original copy of RC Book of the auto.

3. The learned counsel for the petitioner would submit that the petitioner is aggrieved by the aforesaid conditions and submitted that the value of the property is only Rs.1,00,000/- and the petitioner is willing to execute a bond for the said sum with two sureties for the likesum; and that



the conditions imposed by the learned Magistrate are onerous; and because of the above conditions imposed by the learned Magistrate, the petitioner is unable to take return of the auto; and that she would produce RC Book before the learned Magistrate for verification and she may be permitted to retain the original RC Book, as it is required to ply the vehicle.

4. The learned Government Advocate (crl.side), per contra submitted that the petitioner may be directed not to alienate the lorry, pending trial and submitted that the confiscation proceedings are yet to be initiated. The learned Government Advocate (crl.side) further submitted that the original RC book may be produced before the learned Magistrate for verification.

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

6. In the light of the submissions made on either side, this court is of the view that the condition imposed by the learned Magistrate to produce two sureties each for Rs.3,00,000/- to the satisfaction of the trial court is onerous and would amount to denial of the petitioner's claim for return of vehicle which cannot be kept in the police 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.

7. Considering the fact that the value of the property is only Rs.1,00,000/-, this Court is of the considered view that the conditions imposed by the learned Judicial Magistrate to produce two sureties each for Rs.3,00,000/- to the satisfaction of the trial court and to produce the original R.C. Book of the vehicle are onerous and liable to be set aside. However, the petitioner is directed to produce the original RC Book for verification.

8. Accordingly, this Criminal Revision Case is allowed. The following conditions in the order dated 04.11.2024 at Point No.5, clause (i) to produce two sureties each for Rs.3,00,000/- to the satisfaction of the trial court and clause (ii) to produce the original RC Book, made in Crl.M.P.No.3418 of 2024 by the Additional District Judge/Presiding officer, Special Court for Essential Commodities Act Cases, Coimbatore are set aside and modified as follows -



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(i) The petitioner shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties for a likesum to the satisfaction of the learned Additional District Judge/Presiding officer, Special Court for Essential Commodities Act Cases, Coimbatore ;

(ii) The petitioner shall produce the original RC Book along with a self-attested Photostat copy of the RC Book of the vehicle and other relevant records to prove his ownership. The learned Additional District Judge/Presiding officer, Special Court for Essential Commodities Act Cases, Coimbatore shall peruse the RC book and other records, retain a xerox copy of the same and return the original RC book to the petitioner.

The other conditions imposed by the learned Judicial Magistrate shall remain unaltered.

12.12.2024

Index : Yes/No

Internet : Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

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SUNDER MOHAN, J.

rgr

To

1.The Additional District Judge/Presiding officer,
Special Court for Essential Commodities Act Cases,
Coimbatore.

2.The Inspector of Police,
R.S. Puram Police Station,
Coimbatore.

3.The Public Prosecutor,
High Court, Madras.

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