



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Criminal Original Jurisdiction

WEB COPY

Wednesday, the Twenty Seventh day of November Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE K.MURALI SHANKAR

CRL MP(MD). No.11979 of 2024
in
CRL RC(MD).No.705 of 2024

Valarmathi

...Petitioner/Owner of the vehicle
/Third party

Vs

The State of Tamil Nadu Rep by
The Inspector of Police,
Koodal Puthur Police Station,
Madurai City Crime No. 191/2024

... Respondent/Complainant

Prayer in CRL MP(MD). No.11979 of 2024:-

Criminal Miscellaneous Petition filed Under Section 528 of BNSS 2023 praying to on order to modify the condition (C) the petitioner shall deposit the Original registration certificate of vehicle before the learned Judicial Magistrate Court, Madurai alone imposed on the petitioner in Crl RC (MD) No.705/2024 dt.13.09.2024 on file of this Hon'ble Court.

Prayer in CRL RC(MD). 705/ 2024 :

Criminal Revision Petition filed Under Section 438 r/w 442 of BNSS 2023 praying to set aside the order passed in Cr.M.P no. 1844 of 2024 dt 19.06.2024 by the learned Judicial Magistrate court No.IV, Madurai, Madurai district and hand over the vehicle Mahindra Scorpio S10 MA1TA2SJXG2F10551 and the Engine Number is SJG4F20268 bearing Registration No.TN-55-AQ-1048 to the petitioner's interim custody.

<https://www.mhc.tn.gov.in/judis>



ORDER:- This Criminal Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.R.Balamuruganantham, Advocate for the Petitioner and of Mr.P.Kottaichamy, Government Advocate(Criminal side) for the respondent, and this Court made the following order:

The above petition has been filed seeking orders to modify the condition No. (c) imposed in Crl.R.C.(MD)No.705 of 2024 dated 13.09.2024 directing the petitioner to deposit the original Registration Certificate of the vehicle before the learned Judicial Magistrate No.IV, Madurai.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

3. It is seen from the records that this Court, vide order dated 13.09.2024, has granted interim custody of the vehicle bearing Registration No.TN-55-AQ-1048 to the petitioner by imposing some conditions, which includes that the petitioner shall deposit the original Registration Certificate of the vehicle before the concerned Court.

4. The learned counsel appearing for the petitioner would submit that the original Registration Certificate has been kept under the custody of the ITI Finance Limited and the same will be returned only after settling the dues and hence, the petitioner is unable to comply with the said condition. He would fairly admit that the said fact has not been brought to the notice of this Court while granting interim custody of the vehicle.



5. The learned Government Advocate (Criminal Side) appearing for the respondent, on instructions, would submit that as of now, amount due to the Finance Company by the petitioner is Rs.6,76,847/-.

6. Considering the above, this Court is inclined to modify the condition No.(c). Accordingly, this Criminal Miscellaneous Petition is ordered and the the order passed in CrI.R.C.(MD)No.705 of 2024 dated 13.09.2024 is modified in respect of the condition No.(c) alone and it is modified to the effect that the petitioner shall produce an affidavit of the authorised person from the concerned finance company along with certified copy of the R.C. Book undertaking that the original R.C. Book is available with them and that they had knowledge about the pendency of the criminal case against the petitioner before the learned Judicial Magistrate No.IV, Madurai. In respect of other conditions, the order of this Court, shall remain unaltered.

Sd/-

Assistant Registrar(CS III)

// True Copy //

/12/2024

Sub Assistant Registrar
(CS - I/ II / III /IV)

TO

1. The Judicial Magistrate, No.IV Madurai



2.The Inspector of Police,
Koodal Puthur Police Station,
Madurai City

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai

Copy to:

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court, Madurai

ORDER DATED : 27/11/2024

=====

ORDER

=====

CRL MP(MD). No.11979 of 2024
in
CRL RC(MD).No.705 of 2024
Giving direction and etc.
as stated within.

MK/09.12.2024 4P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023