

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2016

CORAM

THE HONOURABLE MR. JUSTICE C.T.SELVAM

Crl.R.C.No.1620 of 2016

K.M.Palanisamy  
S/o.Marimuthu

... Petitioner

Vs.

The State represented by  
The Sub-Inspector of Police,  
Jalakandapuram Police Station.

... Respondent

Criminal Revision filed under Section 397 and 401 Cr.P.C. against the order of learned Judicial Magistrate II, Mettur, passed in C.M.P.No.5692 of 2016 on 12.09.2016.

|                |   |                                |
|----------------|---|--------------------------------|
| For Petitioner | : | Mr.S.Saravanan                 |
| For Respondent | : | Mr.M.Mohammed Riyaz            |
|                |   | Government Advocate [Crl.side] |

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**ORDER**

This revision arises against the order of learned Judicial Magistrate II, Mettur, passed in C.M.P.No.5692 of 2016 on 12.09.2016.

2. On the complaint of petitioner/*de facto* complainant, a case was registered leading to the pendency of case in C.C.No.23 of 2012 on the file of learned Judicial Magistrate II, Mettur, being tried for offence u/s.379 IPC. Petitioner/*de facto* complainant was examined as PW-1 and his vehicle, which had been stolen had been marked as MO-1. Thereafter, petitioner had sought return of the vehicle and the same was allowed. Subsequently, petitioner moved C.M.P.No.5692 of 2016 seeking return of registration certificate. Court below, under the impugned order, dismissed such petition. Hence, this revision.

3. Heard learned counsel for petitioner and learned Government Advocate [Crl.side].

4. Following the decisions of the Hon'ble Apex Court in ***Sunderbhai Ambalal Desai v. State of Gujarat (AIR 2003 Supreme Court 638)*** and ***General Insurance Council V. State of Andhra Pradesh in 2010 (3) Supreme Pg. 317***, this Court directs learned Judicial Magistrate II, Mettur, to return the original R.C.Book pertaining to vehicle viz., JCB bearing registration No.TN-30-A-Z-3310 to the petitioner after holding a Court certified copy thereof, which shall be read as secondary evidence during trial and production of the R.C.Book shall be dispensed with.

The Criminal Revision Case is disposed of with the above direction.

**15.12.2016**

Index:yes/no  
Internet:yes/no  
gm

To

- 1.The Judicial Magistrate II,  
Mettur.
- 2.The Sub-Inspector of Police,  
Jalakandapuram Police Station.
- 3.The Public Prosecutor,  
High Court, Madras.

C.T.SELVAM, J

gm

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