

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18/4/2016

C O R A M

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

Criminal Revision Case No.639 of 2016

M/s.Kalai Selvi Agencies
rep. By its Proprietor
M.Rajagopal.

... Petitioner/Petitioner

Vs

State
rep. By The Inspector of Police(Crime)
P-5 MKB Nagar Police Station
Chennai 600 039.

... Respondent/Respondent

Prayer: Revision filed under Sections 397 and 401 of the Code of Criminal Procedure to set aside the order passed in CrI.M.P.No.296 of 2016 dated 19/2/2016 on the file of V Metropolitan Magistrate Court, Egmore and to direct the Court below to return the property of his original R.C.Book in Crime No.1759 of 2013 on the file of the respondent.

For Petitioner : Mr.S.Srinivasan
for Mr.M.P.Saravanan

For respondent : Mr.V. Arul
Government Advocate
(Criminal Side)

O R D E R
सत्यमेव जयते

The Petitioner/Defacto Complainant has projected the present Criminal Revision Petition before this Court, as an aggrieved person, as against the order dated 19/2/2016, in CrI.M.P.No.296 of 2016, passed by the learned V Metropolitan Magistrate, Egmore.

2. The learned V Metropolitan Magistrate, Egmore, while passing the impugned order, in CrI.M.P.No.296 of 2016, dated 19/2/2016, (filed by the Petitioner/Defacto Complainant) had inter alia, observed the following:-

"... In the petition filed by the petitioner, it is stated that on 22/11/2013, the petitioner parked his

vehicle in front of his shop and went to his house and on 23/11/2013 he came to his shop at 8.00 a.m., and came to know that his vehicle was misplaced and so he had given a complainant before the respondent and the case has been registered in Cr.No.1759/2013 u/s.379 IPC and his vehicle was seized by the Police and produced the same before this Court; The petitioner had deposited original R.C.Book before this Court and obtained interim custody of the vehicle; The petitioner now required the R.C.Book to obtain fitness certificate and also for effective running of the vehicle. On perusal of this Court records it reveals that investigation is not yet completed by the Police. The records of this Court shows that in CrI.M.P.No.3158/2013 this Court ordered to return the vehicle Eicher - Misubismi bearing Reg.No.TN01M-2756 to the petitioner towards interim custody, on condition to deposit the original R.C.Book before this Court. The petitioner complied the order of this Court and deposited the original R.C.Book and obtained the vehicle towards interim custody. Therefore, the petitioner is not entitled to get back the R.C.Book by way of filing petition under Section 451 Cr.P.C. If at all the petitioner wants to obtain fitness certificate, he has to file separate permission petition before this Court to return of R.C.Book. Considering all the above facts, the present application filed by the petitioner is not maintainable in law and facts. There are no merits in this Application. In the result this petition is dismissed."

3. Assailing the legality, validity and correctness of the impugned order, dated 19/2/2016, in CrI.M.P.296 of 2016, passed by the trial Court, the learned counsel for the Petitioner/Defacto Complainant projects an argument that the Petitioner filed a petition before the trial Court for return of original R.C.Book in respect of his vehicle for 'Fitness Certificate' and the same was ordered on 6/5/2014 and also the trial Court, further directed the petitioner to surrender the original R.C.Book on or before 6/6/2014 and that he surrendered the same.

4. It is represented on behalf of the Petitioner that subsequently, the Petitioner filed a petition before the learned V Metropolitan Magistrate, Egmore for return of original R.C.Book of his vehicle for 'Fitness Certificate' and the same was ordered on 15/5/2015, a direction was issued to him to surrender the original R.C.Book before the learned V Metropolitan Magistrate, Egmore, on or before 29/5/2015. Thereupon, he surrendered his original R.C.Book before the Court concerned.

5. The prime grievance of the petitioner is that without the original R.C.Book, he is not in a position to do his business in other States with his vehicle and also he is not able to get R.C.Book for every year 'FC' due to his old age.

6. At this stage, this Court has perused the contents of the impugned order, dated 19/2/2016, in CrI.M.P.No.296 of 2016, in Crime No.1759 of 2013 passed by the learned V Metropolitan Magistrate, Egmore and is of the considered view that the trial Court in the course of its order had only opined that the petitioner was not entitled to get back the R.C.Book by way of filing the petition in terms of Section 451 of the Code of Criminal Procedure.

7. Continuing further, the trial Court in the aforesaid impugned order has proceeded to state that 'if at all the petitioner wants to obtain fitness certificate, he has to file separate permission petition before this Court to return of R.C.Book' etc., the said order in the facts and circumstances of the present case which float on the surface is free from any flaw. Viewed in that perspective, this Criminal Revision fails.

8. In the result, this Criminal Revision Petition is dismissed. Resultantly, the order, dated 19/2/2016, passed in CrI.M.P.No.296 of 2016 passed by the trial Court, is affirmed by this Court for the reasons assigned in this revision. It is abundantly made clear that the dismissal of the present Criminal Revision will not preclude the petitioner, to move an appropriate application/petition, for return of R.C.Book in the manner known to law and in accordance with law, if he is so desirous/advised.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

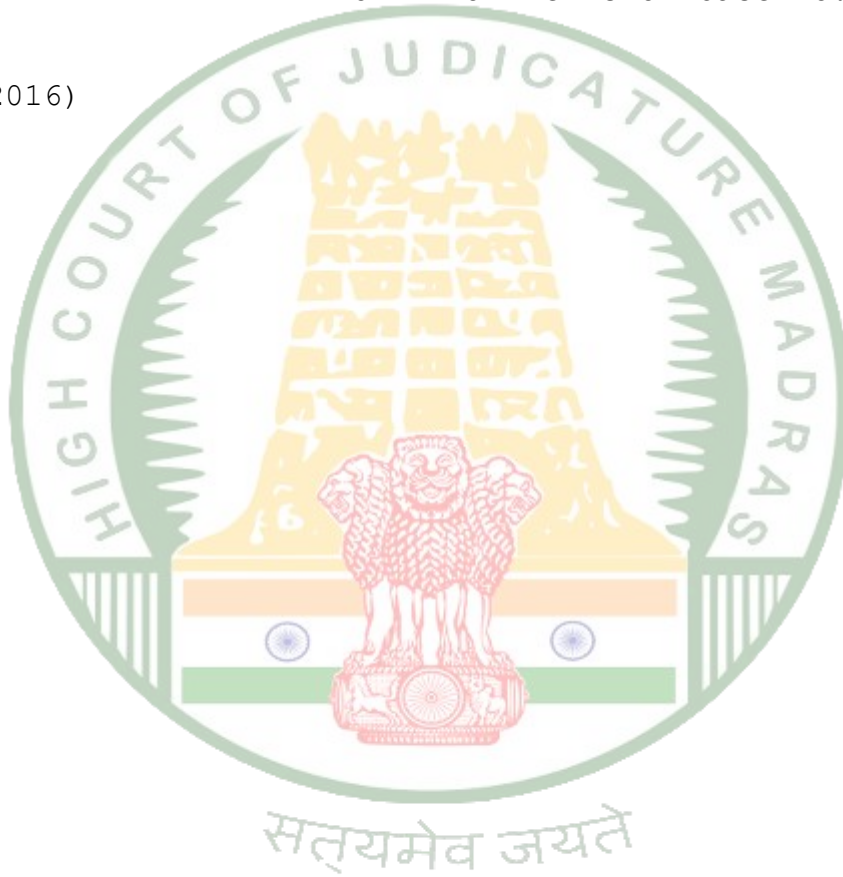
mvs.

To

1. The V Metropolitan Magistrate Court,
Egmore
2. The Inspector of Police
(Crime)
P-5 MKB Nagar Police Station
Chennai 600 039.

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KK (CO)
CA(27/04/2016)



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