



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.11.2016

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CORAM:

THE HONOURABLE MR.JUSTICE A.M.BASHEER AHAMED

Crl.RC(MD)No.790 of 2016

A.Vallikannu

: Petitioner

Vs.

State Rep. By,
The Inspector of Police,
Vasudevanallur,
Tirunelveli District
Crime No.182/2016

: Respondent

Prayer: Revision is filed under Section 397 r/w 401 of Cr.P.C., praying to call for the records pertaining to Crl.M.P.No.4278 of 2016 on the file of the District Munsif Cum Judicial Magistrate, Sivagiri, dated 22.10.2016 and set aside the 4th condition imposed in Cr.M.P.No.4278 of 2016 on the file of the District Munsif cum Judicial Magistrate, Sivagiri, dated 22.10.2016.

Prayer in CRL MP(MD). 4278/ 2016 :

To direct the respondent police to produce the alleged vehicle before this Honourable High Court and returnable the vehicle to the petitioner

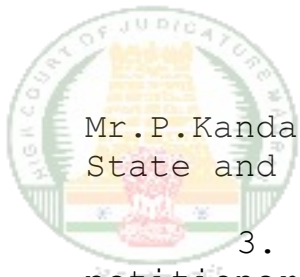
For Petitioners : Mr.A.R.Kannappan

For Respondent : Mr.P.Kandasamy
Government Advocate (crl.side)

ORDER

This Criminal Revision Case is filed praying to call for the records pertaining to Crl.M.P.No.4278 of 2016, on the file of the learned District Munsif-Cum-Judicial Magistrate, Sivagiri, dated 22.10.2016 and set aside the 4th condition imposed therein viz., production of original R.C., Book, as one of the condition imposed for interim custody of the vehicle.

<https://hcservices.ecourts.gov.in/hcservices/>
I have heard the submissions made by Mr.A.R.Kannappan, the learned counsel appearing for the petitioner and



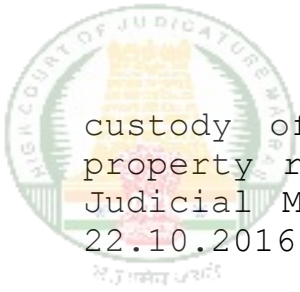
Mr.P.Kandasamy, the learned Government Advocate (crl.side) for the State and also perused the materials available on record.

3. Mr.A.R.Kannappan, the learned counsel appearing for the petitioner would submit that the petitioner is the owner of the vehicle viz., Tractor, bearing Registration No.TN-76-Y-4126, which was seized by the respondent alleging that it was used for illegal transportation of sand. The learned counsel would further submit that the interim custody has been ordered by the trial Court with certain conditions in Crl.M.P.No.4278 of 2016, dated 22.10.2016, however, the 4th condition viz., "Production of original R.C., Book, imposed by the trial Court, for interim custody of the vehicle, could not be complied with, since the said vehicle is hypothecated by 'Sriram Finance' and therefore, the original R.C.Book is with the Financier and unless the dues are cleared, it is difficult for the petitioner to get the original R.C.Book from the Financier. The learned counsel, in support of his contention, has invited the attention of this Court to an unreported decision of this Court in **Arunkumar Vs. The Sub-Inspector of Police, Nagamalai Pudukkottai Police Station, Madurai, dated 18.07.2016** and would submit that in similar circumstances, this Court has granted the similar relief to the petitioner therein. Therefore, the petitioner has come forward with the present Revision, praying to delete the 4th condition imposed by the trial Court.

4. Mr.P.Kandasamy, the learned Government Advocate (crl.side) for the respondent would submit that he has no objection regarding the relief sought for in this revision.

5. Admittedly, the petitioner is the owner of the vehicle in question. On perusal of records produced by the petitioner would show that the original R.C., Book is with the Financier. As rightly contended by the learned counsel for the petitioner, unless the dues are cleared, it is difficult for the petitioner to produce the same. Therefore, in the considered opinion of this Court, the condition No.4, viz., "Production of original R.C., Book", imposed by the trial Court, for interim custody of the vehicle, has to be deleted, as unnecessary, from the property return order passed by the learned Magistrate and the copy of the R.C.Book signed by the petitioner is to be substituted for the original.

6. In the result, this Criminal Revision is allowed and 4th condition, viz., production of original R.C., Book, for interim



custody of the vehicle, is deleted, as unnecessary, from the property return order passed by the learned District Munsif-Cum-Judicial Magistrate, Sivagiri in CrI.M.P.No.4278 of 2016, dated 22.10.2016.

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Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

MPK

To

1.The District Munsif Cum Judicial Magistrate,
Sivagiri.

2.The Inspector of Police,
Vasudevanallur,
Tirunelveli District.

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

+1cc to Mr.A.R.Kannappan Advocate Sr.No. 70675

JAM/22.11.16/MPA/SAR AE/3P-5C

Order made in

CrI.RC(MD)No.790 of 2016

Dated:-

21.11.2016