

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

Crl.R.C.No.1300 of 2018

Senthilnathan @ Senthil

... Petitioner

Vs.

The State
Rep by its Inspector of Police,
S7, Madipakkam Police Station,
Keezkattalai,
Chennai.

... Respondent

PRAYER : The Criminal Revision filed under Section 397 read with 401 of Code of Criminal Procedure against the order passed by the learned Judicial Magistrate, Alandur in Cr.M.P.No.4564 of 2018 dated 24.08.2018.

For Petitioner : Mr.S.Sugendran

For Respondent : Mr.G.Harihara Arun Somasankar,
Government Advocate

O R D E R

The present revision case has been filed against the order passed by the learned Judicial Magistrate, Alandur in Cr.M.P.No.4564 of 2018 dated 24.08.2018, rejecting the request of the petitioner for return of the R.C. Book in respect of the vehicle No.92 A 1613.

2. According to the petitioner, the vehicle involved in the offence, has already been ordered to be returned to the petitioner by the learned Judicial Magistrate, Alandur in C.M.P.No.6092 of 2017, dated 30.11.2017. According to the petitioner, he requires the original R.C. Book for his business purpose, without which, he cannot carry on his travel business. However, on the basis of the objection put forth on behalf of the prosecution that the petitioner in case is returned with the R.C. book of the vehicle, would commit the same offence by using the same. On the basis of such objection, the petition for return of the R.C. Book was rejected.

3. This Court is of the considered view that once the learned Judicial Magistrate thought fit to return the vehicle of the petitioner as early as on 30.11.2017, there was no useful purpose for retaining the R.C. Book after completion of the investigation. In any case, the R.C. book would be returned to the petitioner on condition that he shall produce the same as and when required by the Trial Court. The Trial Court has already imposed a condition on the petitioner not to alienate or encumber the vehicle. Such condition is fair enough to protect the interest of the investigation.

4. In view of the above, the impugned order passed by the learned Judicial Magistrate, Alandur in Cr.M.P.No.4564 of 2018 dated 24.08.2018, is hereby set aside. The Court below is directed to return the R.C. Book after taking copies of the same, with a condition that the original R.C. Book shall be made available as and when the same is required by the investigating agency or by the Trial Court concerned.

5. The criminal revision case is allowed on the above terms.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The learned Judicial Magistrate,
Alandur.

2. The Inspector of Police,
S7, Madipakkam Police Station,
Keezkattalai, Chennai.

+1cc to Mr.S.Sugendran, Advocate Sr.81979

Cr1.R.C.No.1300 of 2018

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srg 28/12/2018