



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2018

CORAM

THE HONOURABLE MRS. JUSTICE R.THARANI

Crl.R.C.(MD)No.218 of 2018

Ravichandran

... Petitioner/Petitioner

Vs.

State represented by its,
The Inspector of Police,
Masarpatti Police Station,
Thoothukudi District.
(In Crime No.87 of 2017)

... Respondent/Respondent

Prayer : Revision filed under Section 397 read with 401 of Criminal Procedure Code, to call for the records pertaining to the order passed by the District Munsif Cum Judicial Magistrate, Vilathikulam in Crl.M.P.No.218 of 2018 in Crime No.87 of 2018 dated 22.01.2018 in so far as the second condition imposed as to the production of the original registration (R.C. Book) of the petitioner's vehicle and consequentially direct the District Munsif Cum Judicial Magistrate, Vilathikulam to release the petitioner's vehicle forthwith.

For Petitioner
For Respondent

: Mr.A.Balaji
: M/s.J.Ananda Devi
Government Advocate (Crl. Side)

O R D E R

This Revision Case has been filed against the order passed by the District Munsif Cum Judicial Magistrate, Vilathikulam in Crl.M.P.No.218 of 2018 in Crime No.87 of 2018 dated 22.01.2018 in so far as the second condition imposed as to the production of the original registration (R.C. Book) of the petitioner's vehicle and consequentially direct the District Munsif Cum Judicial Magistrate, Vilathikulam to release the petitioner's vehicle forthwith.

2.It is a case of excavation of two units of sand without proper permission from the authority concerned, a case was registered against the petitioner under the Mines and Minerals Act excavating transport from the patta land of one Ponraj in Survey No.13/2, 13/13A, 29/3B, 29/4A and 29/4B in Chockkampatti Village, Virudhunagar District. Therefore the above case has been registered against the petitioner in Crime No.87 of 2017, for the offence punishable under Sections 379 and 21(1) of the Mines and Minerals Act, 1957 against the petitioner.

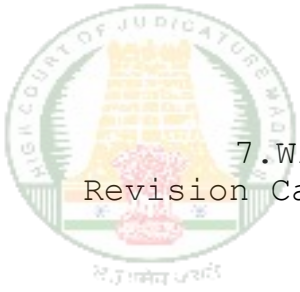


3. On the side of the petitioner, it is stated that the petitioner, who is the owner of the vehicle involved in the offence and he is having valid Trip sheet and he has transported sand and a copy of the Trip sheet is also filed along with the petition and that the petitioner has made an application in Cr.M.P.No.218 of 2018 before the District Munsif Cum Learned Judicial Magistrate, Vilathikulam under Section 451 of Cr.P.C. praying to release the vehicle namely Ashok Leyland Tipper Lorry bearing registration No.TN-69-Q-6390. The lower Court passed an order on 22.01.2018 to release the vehicle subject to the five conditions. The petitioner is ready to abide four conditions out of the five conditions. But the second condition is to produce the original R.C.Book (Registration Certificate) before the Court. Regarding this condition, the original R.C.Book was already in the custody of Judicial Magistrate, Aruppukottai in connection with Crime No.202 of 2006 and as such, the petitioner could not comply with the second condition.

4. Records Perused.

5. The R.C.Book is in the name of one Raja, who is the brother of the present petitioner. It is stated that after the vehicle was seized in the previous case and after the R.C.Book was produced before the Judicial Magistrate, Aruppukottai, the petitioner on 09.06.2016 has purchased this vehicle for a valid consideration for a sum of Rs.7,30,000/- (Rupees Seven Lakh Thirty Thousand only), from the said Raja. A copy of the transfer of ownership certificate is also filed. On the side of the petitioner, It is further stated that since R.C.Book is in the custody of Judicial Magistrate No.II, Aruppukkottai, the petitioner was not able to effect the name transfer in the R.C.Book in his name.

6. In view of the fact that the petitioner, is stated that he have valid Trip sheet at that time and in view of the fact that there is a signed transfer order for transferring the ownership of the vehicle and considering the fact that the original R.C.Book is in the custody of Judicial Magistrate, Aruppukottai, this Court directs the petitioner to file a fresh petition to return of property before the Judicial Magistrate, Vilathikulam after impleading one Raja, who is the previous owner of the vehicle, Investigation Officer in Crime No.202 of 2016 of Aruppukottai Taluk Police Station, and this respondent as parties. The Judicial Magistrate is directed to consider the statement of all the respondents and to verify the records and to find out who is the real owner of the vehicle and to pass order on merits and in accordance with law. As it is stated that the vehicle is standing with a load of sand for the past eight months which may damage the vehicle, the concerned police is directed to unload the sand after taking a photograph sand has to be kept in safe custody separately, the concerned Judicial Magistrate.



7. With the above observations and directions this Criminal Revision Case is disposed of.

Sd/-
Assistant Registrar (CO)

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/True Copy/

Sub Assistant Registrar

To

1. The District Munsif Cum Judicial Magistrate,
Vilathikulam.
2. The Judicial Magistrate No. II,
Aruppukottai.
3. The Inspector of Police,
Masarpatti Police Station,
Thoothukudi District.
4. The Inspector of Police,
Taluk Police Station,
Aruppukottai District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.A. Balaji, Advocate SR.No. 63436

Cr1.R.C. (MD) No. 218 of 2018
25.04.2018

1s

JM/SV MMS/SAR 1/27.04.2018/3P/7C