



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 03.07.2018

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THE HONOURABLE MRS. JUSTICE R.THARANI

CRL. R.C(MD) Nos.355 to 358 of 2018

Manivel

.... Petitioner/Petitioner
(in all Crl.R.Cs)

-Vs-

State Represented by
The Sub Inspector of Police,
Thogamalai Police Station, Karur.
(Crime No.89 of 2018)

... Respondent/ Complainant
(in all Crl.R.Cs)

Prayer: These Criminal Revision have been filed under section 397 r/w 401 Cr.P.C., to call for the records pertaining to the Condition Nos.4 and 6 stipulated in the Order dated 25.04.2018 in C.M.P.Nos.1878 to 1881 of 2018 respectively in R.P.No.14 of 2018 on the file of the Judicial Magistrate No.I, Kulithalai and set aside the same.

For Petitioner : Mr.N.Anandakumar
(in all Crl.R.Cs)

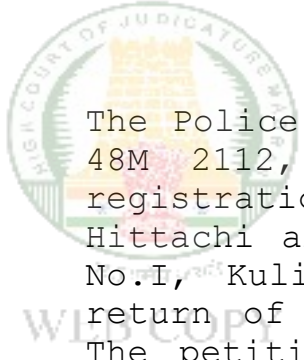
For Respondent : Mr.K.Suyambulinga Bharathi,
(in all Crl.R.Cs) Government Advocate.

COMMON ORDER

Heard Mr.N.Anandakumar, learned counsel appearing for the petitioner and Mr.K.Suyambulinga Bharathi, learned Government Advocate (Crl. Side) appearing for the respondent.

2.These petitions have been filed against the orders passed by the learned Judicial Magistrate No.I, Kulithalai in C.M.P.Nos.1878 to 1881 of 2018 respectively, in R.P.No.14 of 2018, dated 25.04.2018.

3.The allegation against the accused is that on 28.03.2018 when the defacto complainant went to Poovayeeppatti Village on information, he found two JCB vehicles and one Hittachi which is used to dug a pit, digging and loading sand in Tipper Lorries.



The Police has seized two JCB vehicles bearing registration Nos. TN 48M 2112, TN 48K 1293 respectively and two lorries bearing registration Nos. TN 56 C 9203, TN 30 X 7873 respectively and one Hittachi and produced them before the learned Judicial Magistrate No. I, Kulithalai. The petitioner had filed the petitions for return of properties and the same were allowed with conditions. The petitioner has challenged the conditions 4 and 6 by way of these Criminal Revision Cases.

4. On the side of the petitioner, it is stated that the Lower Court passed an order imposing conditions that to surrender the R.C Books and to produce the vehicles on the first day of every calendar months. It is stated that the petitioner is not an accused he only leased out the vehicles in good faith and he pleaded that the above conditions to be relaxed. The learned counsel appearing for the petitioner relied upon the Judgment of this Court in the case of **Muthu Raman Vs. The Inspector of Police** reported in **2015-2-L.W. (Cr1.) 354**, which reads as follows:-

"It is sufficient to mark the photograph of the car and there is no need to material object and retain the R.C. Book."

5. On the side of the respondent, it is stated that the conditions imposed are usual and necessary conditions and there is no specific reason to allow these petitions.

6. Records perused. It is stated that the vehicles are involved in grave offence of sand theft. The vehicles are to be produced for marking as M.Os in these cases and hence, the condition to deposit the R.C books is a necessary one. But the Production of the vehicles every month before the trial Court is not necessary and that the condition is modified and the vehicles are to be produced as and when required by the Court. With the above modification, these Criminal Revision cases are partly allowed.

Sd/-
Assistant Registrar(CO)

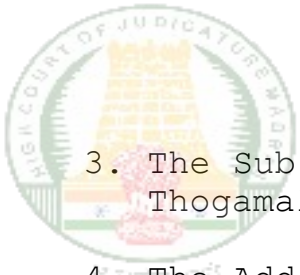
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Sub Assistant Registrar

To

1. The Judicial Magistrate No. I,
Kulithalai.

<https://hcservices.courts.gov.in/hcservices/>
2. The Chief Judicial Magistrate, Karur.



3. The Sub Inspector of Police,
Thogamalai Police Station, Karur.

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

CP

TE/AE/SAR-4 : 13/07/2018 : 3P/5C

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