

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.13181 of 2016

B.Natarajan

... Petitioner

Vs.

1.The Superintendent of Police,
Tiruvanamalai District,
Tiruvanamalai.

2.The Deputy Superintendent of Police,
Tiruvanamalai.

3.The Inspector of Police,
Thandarampattu Police Station,
Tiruvanamalai District.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to issue directions to the 3rd respondent to return the original R.C.Book (Honda City Car bearing Registration No.TN-10-W,3111) of the petitioner, which was seized in connection with Cr.No.361 of 2015, who shall, in turn issue and acknowledgement to the petitioner, and then produce the same before the Learned Judicial Magistrate, Tiruvanamalai, so as to enable the petitioner to get return of the same from the learned Judicial Magistrate, Tiruvanamalai.

For Petitioner : Mr.J.Muthukumaran

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor.

O R D E R

This petition has been filed to issue directions to the 3rd respondent to return the original R.C.Book (Honda City Car bearing Registration No.TN-10-W,3111) of the petitioner, which was seized in connection with Cr.No.361 of 2015.

2.The petitioner has sold his car Honda City bearing registration No.TN-10-W, 3111 through OLX APP during November

2015 to one Bhaskar, said to have residing at Perumbakkam Road, Kanagampoondi, for a sale consideration of Rs.4,50,0000/-. For the sale consideration, the said Bhaskar has given a cheque drawn on State Bank of India, Bangalore, and took the car along with original R.C.book. When the petitioner presented the cheque for collection, it was returned "Insufficient Funds". Hence, the petitioner lodged a complaint as against the petitioner before the 3rd respondent police and C.S.R.No.261 of 2015 was issued by the 3rd respondent police. Thereafter, the 3rd respondent apprehended the said Bhaskar and seized the car from Babu Cars, Vellore, where he sold the car for a sale consideration of Rs.2,50,000/- and a criminal case was registered in Crime No.361 of 2015 for the offence under Sections 419, 420, 468 and 471 of IPC. The petitioner filed C.M.P.No.8655 of 2015 before the learned Judicial Magistrate-I, Tiruvannamalai, and received his car. But the RC book was not returned to the petitioner. Hence, the petitioner has filed the present petition with the aforesaid prayer.

3.Heard both sides.

4.Considering the facts and circumstances of the case, without going into the merits of the case, the 3rd respondent is directed to secure the original R.C.book pertaining to the petitioner's car viz., Honda City bearing registration No.TN-10-W, 3111 from the accused viz., Babu Cars, Vellore in Crime No.361 of 2015 and complete the enquiry and file a final report before the concerned Judicial Magistrate, within a period of three months from the date of receipt of copy of this order. Thereafter, the petitioner is at liberty to file appropriate petition for return of the said R.C.Book.

5.With the above directions, this Criminal Original Petition stands disposed of.

Sd/-

सत्यमेव जयते
Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

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To

1.The Superintendent of Police,
Tiruvanamalai District,
Tiruvanamalai.

2.The Deputy Superintendent of Police,
Tiruvanamalai.

3.The Inspector of Police,
Thandarampattu Police Station,
Tiruvanamalai District.

4.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.J.Muthukumaran, Advocate SR.No.24099

Crl.O.P.No.13181 of 2016

RJK (CO)
GMY (22/05/2019)



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