

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 25.10.2019
CORAM:
THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA
Crl.RC.No.988 of 2019

Chattaram

... Petitioner/Claimant

Vs.

State represented by
the Inspector of Police,
K-11, (*)CMBT Police Station,
Chennai.

... Respondent/Complainant

PRAYER: The Criminal Revision Petition has been filed, under Sections 397 read with 401 of Cr.P.C, to call for the records in Crl.M.P.No.7893 of 2019 in **(*)C.C.No.3690** of 2019, dated 08.08.2019, on the file of the learned V Metropolitan Magistrate Court, Egmore, Chennai, and to set aside the same and to direct the trial Court to return the original R.C.Book of the vehicle, Maruthi Swift bearing registration No. TN-02-AI-3378 to secure the ends of justice.

For Petitioner : Mr.S.Sengkodi
For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

J U D G M E N T

The revision petition has been filed, seeking to set aside the order passed by the learned V Metropolitan Magistrate Court, Egmore, Chennai, in Crl.M.P.No.7893 of 2019, in **(*)C.C.No.3690** of 2019, dated 08.08.2019, dismissing the petition, seeking to return the original R.C. Book of the vehicle, Maruthi Swift bearing No. TN-02-AI-3378.

2 The petitioner is a third party and the owner of the vehicle, Maruthi Swift car bearing Registration No.TN-02-AI-3378. The vehicle was seized by the respondent in Crime No.985 of 2018, registered by the respondent for the offence under Sections 328 of IPC and 9(ii) of the Tamil Nadu Prohibition of Smoking and Spitting Act, 2003. The petitioner being the owner of the vehicle had filed a petition before the Trial Court, seeking interim custody of the vehicle in Crl.M.P.No.5714 of 2018 and the Trial Court by order dated 15.11.2018 had directed return of vehicle to the petitioner on condition that the petitioner shall produce original R.C.Book before the Trial Court. The petitioner had in compliance of the order, produced the R.C Book before the Court. Thereafter, subsequently, the

present petition in CrI.M.P.No.7893 of 2019 has been filed seeking to return the R.C.Book, on the ground that the original R.C.Book is required to be produced for the purpose of investigation or enquiry by the Transport Authorities or by the traffic Police. The Trial Court, finding that the petitioner had not produced any documents to show that original R.C.Book was directed to be produced before the Traffic Police for enquiry, had dismissed the application. As against the same, the present revision has been filed.

3 The learned counsel appearing for the petitioner would submit that the petitioner had filed a petition, requesting for R.C.Book to be produced before the authorities whenever it is sought for by them. However, in the petition, a wrong meaning had been conveyed by him and the Trial Judge also finding that no documents has been produced to prove the claim that the R.C.Book was required to be produced before the Traffic Police for enquiry, had dismissed the same. She would submit that the petitioner has a duty to produce license and certificate of registration, on demand by any police officer in uniform and that whenever the vehicle is stopped, the petitioner finds it difficult to explain to the officer about the non availability of the original R.C. Book. The learned counsel would submit that the petitioner is prepared to file the affidavit of undertaking before the Trial Court that he will not dispose of the vehicle and that he will produce the vehicle and the R.C. Book before the Court, when ever it is necessary.

4 The respondent had filed a counter wherein, it has been stated that the Magistrate after due application of mind had dismissed the application.

5 The learned Additional Public Prosecutor would submit that it is not compulsory to carry the original and the petitioner can furnish the copy.

6 It is stated by the petitioner that he is facing difficulty whenever his vehicle is stopped for the purpose of enquiry and in the opinion of this Court no useful purpose would be served by keeping the R.C.Book in the Court and this Court is of the opinion that R.C.Book may be returned to the petitioner on imposition of certain conditions and obtaining appropriate undertaking.

7 Accordingly, this criminal revision petition is allowed and the impugned order passed by the learned V Metropolitan Magistrate Court, Egmore, Chennai in CrI.M.P.No.7893 of 2019 in **(*)C.C.No.3690** of 2019, dated 08.08.2019, is hereby set aside and that the original RC book of the vehicle bearing registration No.TN-02-AI-3378 is herein

ordered to be returned to the petitioner, subject to the following conditions:

a) The petitioner shall execute a bond for Rs.5,000/-, with two sureties for a like sum.

b) The petitioner shall substitute the original R.C.Book with a attested true copy of the RC Book.

c) The petitioner shall file an affidavit undertaking before the Trial Court not to dispose of vehicle until further orders and to produce the vehicle and R.C.Book as and when required by the Trial Court.

Sd/-

Assistant Registrar
12.12.2019

(*)Corrected as per order of
this Court, made in Crl.RC.
No.988/2019, dt.11.03.2020

Sd/-

Assistant Registrar

// True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
K-11, (*)CMBT Police Station, Chennai.

Issue fresh
Order Copy,
already
despatched on
03.01.2020

2.The learned V Metropolitan Magistrate Court,
Egmore, Chennai,

3.The Public Prosecutor, High Court, Madras.

+1cc to Mr.S.Rajanikanth, Advocate, SR.No.89574.

Crl.RC.No.988 of 2019

SVI (CO), MR(CO)
CSR(13/12/2019)
CSR: 13.03.2019.