



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.04.2019

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THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Cr1.RC(MD)No.171 of 2019

C.Vellaisamy : Petitioner/Petitioner

Vs.

State rep. by
The Sub Inspector of Police,
Vedachandur Police Station,
Dindigul District. : Respondent/Respondent
(Crime No.323 of 2018)

Prayer: This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, against the order passed by the Additional District Munsif-cum-Judicial Magistrate, Vedachandur, in Cr.M.P.No.48 of 2019, dated 31.01.2019 in so far directing the petitioner to produce the RC Book before the Additional District Munsif-cum-Judicial Magistrate, Vedachandur.

For Revision Petitioner : Mr.T.Lenin Kumar

For Respondent : Mr.A.Robinson
Government Advocate
(Criminal side)

ORDER

The petitioner claims to be the owner of the Lorry bearing Registration No.TN-70-Q-0732. On 17.08.2018, the respondent seized the vehicle alleging that it was used for transporting one load of sand. In this regard, the respondent registered a case in Crime No.323 of 2018 for the alleged offence under Section 379 IPC and Sections 21(1) and 21(2) of Mines and Minerals (Development and Regulation) Act and seized the said vehicle. Seeking return of the said vehicle, the petitioner filed a petition before the Additional District Munsif-cum-Judicial Magistrate, Vedachandur. On 06.09.2018, the learned Magistrate passed an order to return the vehicle to the petitioner subject to condition that should be followed by the petitioner and one among the conditions is that the petitioner should produce the original RC Book to prove the ownership of the vehicle. Since the original RC Book was in the hands of the Finance Company, the petitioner approached the Finance Company and got back the RC book. When the petitioner produced the original RC Book before the learned Judicial Magistrate, after verification the same was kept in the court and in the meantime, the fitness certificate of the vehicle got expired and in order to renew the fitness certificate, it is necessary for the petitioner



to produce the original RC Book before RTO. Accordingly, the petitioner filed a petition in CrI.M.P.No.48 of 2019 and on 31.01.2019, the learned Judicial Magistrate ordered to return the original RC Book and it was further directed that the RC book should be produced before the court after renewal on 26.02.2019 and after the fitness certificate was renewed, when the petitioner was prepared to produce the original RC Book before the learned Magistrate, the office-bearer of the Finance Company got the RC Book from the petitioner. Hence, the petitioner is before this Court with this revision.

2.Heard the learned counsel appearing on either side and perused the materials available on record.

3.The grievance of the petitioner is that since the petitioner obtained loan to purchase the lorry, the RC Book was retained by the Finance Company and now the petitioner has got certificate from the Finance Company to the effect that the RC Book is retained by the Finance Company and the petitioner undertakes that he will produce the RC Book as and when required by the trial court for verification.

4.The learned Government Advocate (Criminal side) appearing for the respondent/State submitted that a letter, dated 27.03.2019 has been received from one Thiru.M.Sakthivel stating that the RC Book and permit pertaining to the vehicle of the petitioner are under his custody, since the petitioner has to be pay the vehicle loan amount.

5.In view of the above, this revision is **allowed** and the order of the learned Additional District Munsif-cum-Judicial Magistrate, Vedachandur, in Cr.M.P.No.48 of 2019, dated 31.01.2019 is set aside. The petitioner is directed to produce the original RC Book before the learned Additional District Munsif-cum-Judicial Magistrate, Vedachandur, after paying the instalments to the finance company.

Sd/-

Assistant Registrar (CO)

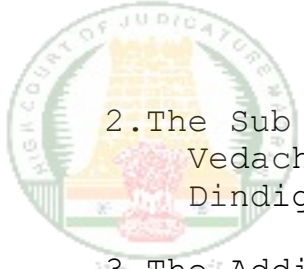
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Sub Assistant Registrar (CS)

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To

1.The Additional District Munsif-cum-Judicial Magistrate, Vedachandur.



2.The Sub Inspector of Police,
Vedachandur Police Station,
Dindigul District.

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

+1CC TO MR.T.LENIN KUMAR, Advocate Sr. No.58517

Order made in
Cr1.R.C (MD) No.171 of 2019
02.04.2019

TR (11.04.2019) 3P 5C