



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **24.07.2019**
CORAM

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

WEB COPY

Crl.R.C(MD)No.419 of 2019

Murugesan

... Petitioner/Petitioner/
Owner of the vehicle

Vs.

State rep by
The Inspector of Police,
Illayangudi Police Station,
Illayangudi,
Sivagangai District.
(In Crime No.314 of 2017)

... Respondent/Respondent/
Prosecution

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the order dated 27.03.2019 passed in Crl.M.P.No.862 of 2019 in Crime No.314 of 2017 in P.R.No.117 of 2017 on the file of the District Munsif Cum Judicial Magistrate Court, Illayangudi, Sivagangai District.

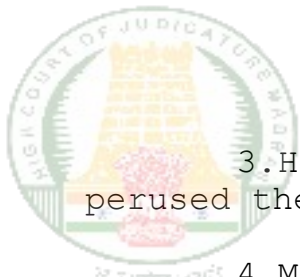
For Revision Petitioner: Mr.J.Muneer Khan

For Respondent : Mr.R.Anandharaj
Additional Public Prosecutor

O R D E R

This petition has been filed to set aside the order dated 27.03.2019 passed in Crl.M.P.No.862 of 2019 in Crime No.314 of 2017 in P.R.No.117 of 2017 on the file of the District Munsif Cum Judicial Magistrate Court, Illayangudi, Sivagangai District.

2.The learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle bearing Registration No.TN-28-A-1621 and the same was seized by the respondent in connection with illegal transportation of sand under Mines and Minerals Act, and the said vehicle was released by the Court below with a condition to deposit the original RC book of the vehicle and accordingly the RC book was handed over to the custody of the Court. Since the RC book is badly required for the petitioner for renewal of the license of the vehicle and FC purpose, the petitioner filed a petition before the District Munsif Cum Judicial Magistrate Court, Illangudi, Sivagangai for interim custody of the RC book. The learned Magistrate, by order dated 27.03.2019 has dismissed the same. Challenging the said order, the petitioner is before this Court with this petition.



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

4. Mr. R. Anandharaj, learned Additional Public Prosecutor appearing for the respondent has strongly objected to return the RC book.

5. On consideration of the documentary evidence, the Trial Court has dismissed the petition on the ground that the R.C book is not necessary for the renewal of the vehicle and there is a chance for alienating the vehicle. If the vehicle is alienated, the vehicle could not be confiscated after the disposal of the case. However, Considering the facts and circumstances of the case, this Court is inclined to allow this petition.

6. Accordingly, this petition is allowed and the order of the District Munsif Cum Judicial Magistrate, Illayangudi, Sivagangai District in CrI.M.P.No.862 of 2019 in P.R.No.117 of 2017 is set aside and the District Munsif Cum Judicial Magistrate, Illayangudi, Sivagangai District is directed to return the RC book and after renewal, the petitioner should hand over the same before the Trial Court within a period of one month from the date of receipt the RC book from the trial Court.

Sd/-

Assistant Registrar (Records)

/TRUE COPY/

Sub Assistant Registrar

To

1. The District Munsif Cum Judicial Magistrate Court,
Illangudi, Sivagangai.

2. The Inspector of Police,
Illayangudi Police Station,
Illayangudi, Sivagangi District.

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

+1 CC to M/s.B.PRAHALAD RAVI, Advocate (SR-77517[F] dated 25/07/2019)

CrI.R.C (MD) No.419 of 2019
29.07.2019