



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE **V.PARTHIBAN**

Crl.R.C. (MD)No.529 of 2019

T.Bharathan

: Petitioner/Petitioner/
3rd Party

Vs.

The State rep. by
The Inspector of Police,
Theppakulam Police Station,
Madurai District.

: Respondent/Respondent/
Complainant

PRAYER: Criminal Revision Case is filed under Section 397 r/w 401 of the Criminal Procedure Code praying to call for the records in Crl.M.P.No.2601/2019 on the file of the learned Principal Special Court for E.C & N.D.P.S Act cases, Madurai dated 05.07.2019 and modify the condition especially in producing the original Registration Certificate of the petitioner's vehicle bearing registration number: TN-59 BW 4173 Auto Rickshaw Three Wheeler by allowing this Criminal Revision Case and consequently directing the respondent to handover the vehicle to the petitioner.

For Petitioner : Mr.K.Manikandan

For Respondent : Ms.Anantha Devi
Government Advocate [Criminal Side]

O R D E R

The criminal revision petition is filed against the order passed by the Judicial Magistrate *inter alia* imposing the condition of production of original R.C Book before the trial Court for the release of three wheeler in registration No.TN-59-BW-4173 along with other conditions.

2.The petitioner being aggrieved by the condition of the production of the original R.C Book, is before this Court by filing the present criminal revision case. According the learned counsel for the petitioner, the vehicle in question is hypothecated with a financier viz., P.G.Pawn Brokers and the financier had retained the original R.C Book and the petitioner herein has only a copy of the same. Therefore, he would request this Court to modify the order in respect of production of original R.C Book is concerned by modifying the same as production of a copy of the R.C Book.



3.After notice, the learned Government Advocate (Crl. side) entered appearance and a detailed counter affidavit has been filed. In paragraph 8 of the counter, it has been stated as follows:-

"8.I humbly submit that the averment made by the petitioner herein regarding the producing the original registration certificate is not accepted. Even though the vehicle is under finance scheme, all the finance companies put the hypothecation seal in the R.C Book and returned the same to the vehicle owner and not kept by the finance company. Hence, the averment in this regard is liable to be quashed."

4.The learned Government Advocate (crl. side) appearing for the respondent would submit that if the original R.C Book is not produced, there is every likelihood that the vehicle concerned can be sold by the petitioner or by the financier in which event, the vehicle would not be available, when the trial Court requires the same for such production.

5.This Court is in agreement with the submission made on behalf of the prosecution that if only a copy of the R.C Book is directed to be produced, it is always open to the financier to sell the vehicle in case the petitioner herein commits default in installments payable to the financier, in which event, the vehicle concerned, which is involved in the transportation of contraband materials, would not be available for any further investigation or for the trial before the trial Court. Therefore, it is not safe to modify the order passed by the learned Judicial Magistrate imposing the condition of production of original R.C Book. In case, the petitioner is able to obtain the original R.C Book with hypothecation seal from the financier, he shall produce the same before the trial Court concerned and have the vehicle released, but certainly this Court, in the circumstances of the case, cannot modify the conditional order as that would undermine the trial pending before the trial Court.

6.In view of the same, this Court does not find any merits in the criminal revision case. Hence, the Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar(AD-I)

/TRUE COPY/

Sub Assistant Registrar

skn

To

1.The Principal Special Court for

<https://hcservices.ecourts.gov.in/Dse/Pics/> Act cases, Madurai.



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

Dated:-
19.09.2019.

<https://hcservices.ecourts.gov.in/hcservices/>