



BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

DATE : 25.11.2019

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

**CRL. R.C. (MD) NO.698 OF 2019
and Crl.M.P(MD) No.7908 of 2019**

K.Karuppasamy

.. Petitioner/Petitioner

- Vs -

The State rep. by
The Inspector of police,
Thiruppachethi Police Station,
Sivagangai District
In Crime No.102 of 2018

...Respondent/Complainant

Criminal Revision Case filed u/s 397 & 401 of the Code of Criminal Procedure, to call for the records pertaining to the order passed in Crl.M.P.No.3305 of 2019 dated 15.06.2019 on the file of the learned Additional District Munsif cum Judicial Magistrate, Manamadurai and set aside the same as illegal and consequently direct the Additional District Munsif cum Judicial Magistrate, Manamadurai to return the petitioner's RC book pertaining to the Auto bearing registration No.TN-63-BB-3299.

For Petitioner : Mr.R.Murugan

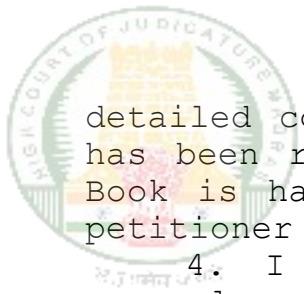
For Respondent : Ms.M.Anantha Devi
Government Advocate (Crl.side)

ORDER

The revision is filed against the order passed by the Additional District Munsif cum Judicial Magistrate Court, Manamadurai, in Crl.M.P.No.3305 of 2019 dismissing the petition filed by the petitioner herein for return of RC book.

2. The learned counsel appearing for the revision petitioner would submit that the petitioner required the R.C book for the purpose of paying Insurance premium and also for renewing the same.

3. The learned Government Advocate (Crl.side) appearing for the State has raised strong objection by stating that in case the R.C. Book is handed over to the petitioner, he would sell the Auto since release of vehicle has already been ordered by the learned Magistrate. The learned Government Advocate (Crl.side) has filed a



detailed counter affidavit also. In the counter, serious objection has been raised on behalf of the respondent stating that if R.C. Book is handed over to the petitioner, there are chances for the petitioner to misuse the said vehicle.

4. I have considered the submissions made by the learned counsel appearing on behalf of the petitioner and the learned Government Advocate (Crl.side) appearing on behalf of the State and perused the materials placed on record.

5. The main contention of the learned counsel for the petitioner is that in the absence of R.C book, the petitioner could not renew the Insurance premium and without Insurance premium, he could not ply the vehicle. Considering the said submission, this Court is inclined to direct the learned Magistrate to return the R.C book for a period of two weeks. In such view of the matter, the order passed in Crl.M.P.No.3305 of 2019 dated 15.06.2019 by the learned Additional District Munsif cum Judicial Magistrate, Manamadurai is set aside.

6. The learned Additional District Munsif cum Judicial Magistrate, Manamadurai is directed to return the R.C book to the petitioner for a period of two weeks. While returning the same, the learned Magistrate shall obtain an undertaking from the petitioner that he shall neither alter nor alienate the vehicle. Further, he shall not indulge in any illegal activities by using the vehicle and shall return the R.C. Book after two weeks from the date on which the R.C book is handed over to him. On receipt of the said undertaking, the learned Magistrate shall specify the date of return to the petitioner and hand over the R.C book pertaining to the Auto bearing registration No.TN-63-BB-3299. For return of R.C book, the petitioner shall file an appropriate application and the learned Magistrate shall pass an order as indicated above, within a period of two weeks from the date of filing of that application.

7. With the above directions, this Criminal Revision is disposed of. Consequently, connected Crl.M.P(MD) No.7908 of 2019 is closed.

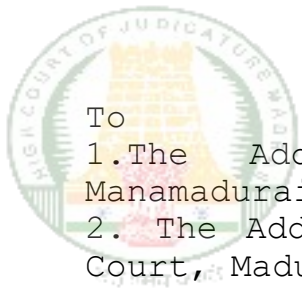
Sd/-

Assistant Registrar (AS)

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Sub Assistant Registrar(CS)

CM



To

1.The Additional District Munsif cum Judicial Magistrate,
Manamadurai

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

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KK/SAR/13.12.2019/3P-3C/