

**BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT****DATE : 16.10.2019****CORAM****THE HONOURABLE MR. JUSTICE V.PARTHIBAN****CRL. R.C. (MD) NO. 752 OF 2019**

Karthick

.. Petitioner/Petitioner

- Vs -

State, rep. by
The Inspector of Police
Theppakulam Police Station (L&O)
Madurai District.
(Crime No.262 of 2019)

.. Respondent/Complainant

Criminal Revision Case filed u/s 397 r/w 401 of the Code of Criminal Procedure, to call for the records relating to the order dated 7.9.2019 passed by the learned Judicial Magistrate No.1, Madurai in Cr. M.P. No.3154 of 2019 and set aside the same as illegal.

For Petitioner : Mr. S.Sukumar

For Respondent : Ms. M.Anantha Devi, GA (Crl. Side)

ORDER

The present revision has been filed against the dismissal of the petition filed by the petitioner u/s 451 Cr.P.C., by the learned Judicial Magistrate No.1, Madurai in Cr. M.P. No.3154/2019.

2. The petitioner was facing trial for the offences u/s 341, 294 (b), 324, 337 and 506 (ii) IPC. During the pendency of the trial, the petitioner moved the court below by filing an application u/s 451 Cr.P.C. In Cr. M.P. No.3154/2019 seeking interim custody of the auto bearing Regn. No.TN-64-J-7112. But the said application was dismissed by the learned Magistrate on the ground that the RC book was not in the name of the petitioner. The learned Magistrate further held that the petitioner has not produced any document to establish his ownership and that the petitioner has only produced a xerox copy of an unregistered document. Therefore, the court below held that on the basis of the unregistered document, the ownership cannot be construed to have been established and, hence, dismissed the petition filed by the petitioner u/s 451 Cr.P.C. Aggrieved by



the said order, the present revision has been preferred by the petitioner.

3. Learned counsel appearing for the petitioner reiterated the submissions as advanced before the court below and as also raised in the grounds in the present petition.

4. Per contra, learned Government Advocate (Crl. Side) submitted that the document produced by the petitioner was not only a xerox copy, but also an unregistered document and, therefore, on the strength of the same, interim custody of the vehicle could be handed to the petitioner and, therefore, rightly, the court below has dismissed the petition for interim custody of the vehicle and, therefore, no interference is warranted with the said order.

5. This Court considered the rival submissions as also the materials placed in the typed set of documents and the impugned order passed by the court below.

6. On a careful analysis of the materials available available on record, this Court is unable to appreciate as to how this Court could take into consideration some unregistered document, said to have been in the possession of the petitioner on the basis of which interim custody could be ordered. In the above backdrop, the conclusion reached by the trial court, in the considered opinion of this Court, is perfectly in order and the same does not suffer from any infirmity. This Court also finds that unless the ownership of the vehicle is unimpeachably established with supporting materials, it cannot order interim custody of the vehicle on the basis of some unregistered document.

7. For the reasons aforesaid, this Court finds no reason to interfere with the order passed by the court below and this revision, being devoid of merits, is accordingly dismissed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar (CS)

GLN

To

1. The Judicial Magistrate No.1
Madurai.



2. The Inspector of Police
Theppakulam Police Station (L&O)
Madurai District.

3. The Addl. Public Prosecutor
Madurai Bench of Madras High Court
Madurai.

CRL. R.C. (MD) NO. 752 OF 2019

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KK/SAR/11.11.2019/3P-4C/