



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Original Jurisdiction)

Friday, the First day of November Two Thousand and Nineteen
PRESENT

The Hon'ble Mr. Justice V. PARTHIBAN
CRL MP(MD). No.9388 of 2019
in
CRL RC(MD). No.743 of 2019

R. Vikhram ... Petitioner/Petitioner/Petitioner

Vs

- 1 State Rep.by The Inspector of Police,
Vikkiramangalam Police Station,
Madurai District (Crime No.135 of 2019)
- 2 The Inspector of Police,
Anna Nagar Police Station,
Madurai City (Crime No.685 of 2019)
- 3 The Regional Transport Officer,
Madurai North Madurai. ... Respondents/Respondents/ Respondents

Prayer in CRL MP(MD). No.9388 of 2019:-

Criminal Miscellaneous Petition is filed under section 482 of Criminal Procedure Code, praying this Hon'ble Court to modify the conditions No.(i) (ii) and (iii) imposed in Crl.RC(MD)No.743 of 2019, dated 15.10.2019.

Prayer in CRL RC(MD). No.743 of 2019 :

Criminal Revision Case is filed under section 397 read with 401 of the Code of Criminal Procedure Code, praying this Hon'ble Court to call for the records pertaining to the order dated 25.09.2019 made in Crl.M.P.No.4230 of 2019 on the file of the Judicial Magistrate, No.II, Usilampatti and set aside the same and direct the Judicial Magistrate No.II, Usilampatti to return the BMW Car bearing Chassis No.WBAHU370505E63589, Engine No.0089Y069.

ORDER:- Criminal Miscellaneous Petition is coming on for hearing on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. C.Mayilvahana Rajendran, Advocate for the Petitioner and of Mr. V.Neelakandan, Additional Public Prosecutor on behalf of the respondents, this Court made the following order:

The present miscellaneous petition is filed by the petitioner seeking modification of certain conditions passed by this Court in

<https://hdcres.courts.mv.in/act/cases/15.10.2019>.



2. It is submitted by the learned counsel for the petitioner that in para-8 (I) of the order dated 15.10.19, though the petitioner has been directed to produce necessary documents for establishing ownership of the vehicle, however, the particular respondent before whom the documents should be produced have not been mentioned and it is submitted that the appropriate respondent is the first respondent and, therefore, necessary order be passed in this regard.

3. It is further submitted by the learned counsel for the petitioner that though direction has been issued in para 8 (ii) of the order dated 15.10.2019 to deposit the RC Book of the vehicle with the Judicial Magistrate No.II, Usilampatti, however, it is the submission of the learned counsel for the petitioner that before change of name indicating ownership could be effected at the RTO Office, the vehicle was stolen and involved in the offence in the present case and, therefore, name transfer has not yet been effected and that the material documents for change of ownership and name change in the RC book are with the RTO Office, including the RC Book and, therefore, it is pleaded that this Court may issue a direction to the trial court to release the vehicle for the purpose of effecting the name change. Learned counsel for the petitioner submitted that the petitioner has filed an undertaking affidavit that within a period of four weeks, the petitioner will get the name change effected and produce the vehicle along with the RC Book before the Judicial Magistrate No.II, Usilampatti and entrust custody of the RC Book with the learned Magistrate.

4. This Court heard the learned Addl. Public Prosecutor on the above contentions.

5. Insofar as the first modification relating to the respondent before whom the petitioner is directed to establish ownership of the vehicle in question is concerned, it is ordered that the petitioner shall produce necessary documents before the 1st respondent to establish ownership of the vehicle in question.

6. Insofar as the second modification is concerned, the petitioner has filed an undertaking affidavit dated 31.10.2019 wherein in para-5, the petitioner has given an undertaking as under :-

"5) I respectfully submit that to effect the registration, a minimum four weeks time would be required. I undertake to produce the RC Book before the Judicial Magistrate No.II, Usilampatti, within a period of four weeks from the date of release of my car. I will strictly abide the undertaking given by me before this Hon'ble Court and I will produce the RC book before the Judicial Magistrate No.II, Usilampatti, within the stipulated time imposed by this Hon'ble Court."



7. In view of the above undertaking affidavit filed by the petitioner, the trial court is directed to release the vehicle bearing Chassis No.WBAHU370505E63589, Engine No.0089Y069, which is covered under Cr. M.P. No.4230 of 2019 on the file of the Judicial Magistrate No.II, Usilampatti, forthwith. The petitioner is directed to effect the name change and deposit the RC book relating to the above vehicle in the custody of the Court within a period of four weeks from the date on which the vehicle is released by the trial court. However, it is made clear that in case of non-compliance of the undertaking within the time stipulated by the petitioner himself, which this Court has accepted, the learned trial court is at liberty to pass any further orders as it deems fit.

8. This miscellaneous petition is ordered in the above terms.

Sd/-

Assistant Registrar (co)

// True Copy //

Sub Assistant Registrar(CS)

TO

- 1 The Judicial Magistrate, No.II, Usilampatti.
- 2 The Chief Judicial Magistrate, Madurai.
- 3 The Inspector of Police,
Vikkiramangalam Police Station,
Madurai District.
- 4 The Inspector of Police,
Anna Nagar Police Station, Madurai City.
- 5 The Regional Transport Officer, Madurai North Madurai.
- 6 The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.C.Mayil Vahana Rajendran, Advocate, SR No.95592.

CRL MP(MD). No.9388 of 2019
in
CRL RC(MD). No.743 of 2019
01.11.2019

VB(07.11.2019) 3P 8C