



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2019

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THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI**

Cr1.R.C(MD)No.886 of 2019

J.Seetharaman

... Petitioner/Petitioner

Vs.

The State Rep. by
The Sub Inspector of Police,
Aundipatti Police Station,
Madurai.
(In Crime No.327 of 2019)

...Respondent/Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to modify the condition of producing the Original Registration Certificate to the Ashok Leyland Tipper Lorry bearing Registration No.TN-48-R-9514 in the order passed in Cr.M.P.No.3470 of 2019, dated 17.10.2019 on the file of the learned Principal District Court, Theni and allow the petitioner to produce Xerox Copy of Registration Certificate and undertaking or such other further conditions or orders as this Court may deem fit and proper under the circumstances of the case.

For Petitioner : Mr.K.K.Samy

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu

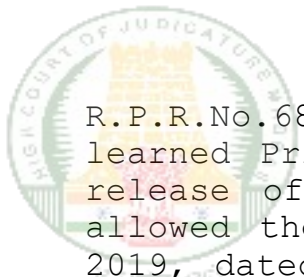
Government Advocate (Cr1.side)

O R D E R

This Criminal Revision Petition has been filed to modify the 3rd condition imposed by the learned Principal District Court, Theni in the order passed in Cr.M.P.No.3470 of 2019, dated 17.10.2019.

2.The petitioner claims to be the owner of the Ashok Leyland Tipper Lorry bearing Registration No.TN-48-R-9514. On 11.08.2019, the respondent police intercepted the vehicle of the petitioner and seized the same on the allegation that it was used for carrying illegal gravel sand without any valid permit and registered a case in Crime No.327 of 2019 under Section 379 of IPC and 21(4) of Mines and Minerals (Development & Regulation) Act, 1957 and thereafter, the vehicle is in the custody of the Court in

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



R.P.R.No.68 of 2019. Subsequently, the petitioner approached the learned Principal Sessions Judge, Theni, by filing a petition for release of the Ashok Leyland Tipper Lorry and the learned judge allowed the petition filed by the petitioner in Cr.M.P.No.3470 of 2019, dated 17.10.2019, by imposing the 3rd condition to the effect that the petitioner should produce the original R.C.Book of the vehicle before the Principal Sessions Court, Theni. Challenging the 3rd condition imposed by the trial Court, the petitioner is before this Court with this criminal revision.

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

4.The learned counsel appearing for the petitioner submitted that the petitioner purchased the above said Ashok Leyland Tipper Lorry bearing Registration No.TN-48-R-9514 on mortgage through financier M/s.Sri Vaari Auto Finance, Karur and as per the terms & conditions of the mortgage, M/s.Sri Vaari Auto Finance, Karur has retained the R.C.Book for collateral security and since R.C.Book is retained as collateral security, the financier has refused to give the original R.C.Book, but they acknowledged and submitted letter to this effect addressed specifically to the learned Principal Sessions Court, Theni and pays that the 3rd condition imposed by the learned Principal District Court, Theni has to be set aside.

5.The only grievance of the petitioner is that the 3rd condition imposed by the learned Principal Sessions Judge is onerous.

6.In view of that, this Criminal Revision is allowed. The order of the learned Principal Sessions Judge, Theni, made in Cr.M.P.No.3470 of 2019, dated 17.10.2019 is set aside in respect of the 3rd condition alone and it is modified to the effect that the petitioner shall produce the certified copy of the R.C.Book before the learned Principal Sessions Court, Theni to the credit of Crime No.327 of 2019 of Aundipatti Police Station. In respect of other conditions, the order of the learned Principal Sessions Judge shall remain unaltered.

Sd/-

Assistant Registrar(AD-I)

// True Copy //

Sub Assistant Registrar(CS)

vsd



To

1.The Principal Sessions Judge, Theni.

2.The Sub Inspector of Police,
Aundipatti Police Station,
Madurai.

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

+1 CC to M/s.K.K.SAMY, Advocate (SR-104954[F] dated 13/12/2019)

Cr1.R.C(MD)No.886 of 2019

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