

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No. 6847 of 2020

S.M.Duraisamy,
S/o. Muthusaygounder

... Petitioner

Vs.

State by :

The Inspector of Police,
Gobichettipalayam Police Station,
Erode District.
(Crime No.402 of 2019)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the Principal Sessions and District Judge, Erode to number C.M.P. in C.M.P. Sr. 1550 of 2020 dated 06.02.2020 and dispose the same in accordance with law.

For Petitioner : No appearance

For Respondent : Mr.S.Karthikeyan,
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed for a direction directing the Principal Sessions and District Judge, Erode to number the C.M.P. and dispose the same in accordance with law.

2. It is seen from the complaint that the petitioner's vehicle was involved in a case registered in Crime No.402/2019 under Section 379 of I.P.C.. and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957. Thereafter, the vehicle was produced before the Judicial Magistrate No.1, Gobichettipalayam in PR No.173 of 2019. The petitioner is being owner of the vehicle filed a petition for return of his vehicle before the Principal Sessions and District Judge, Erode. It was returned for the reason that the original RC book was not filed along with the petition. Again, the said petition was represented by the petitioner endorsing that the original RC book of the said vehicle is with the Canara Bank, Nasianur Branch due to the non-payment of agricultural loan. Therefore,

he could not be able to produce the same before the court concerned.

3. It is also seen that the petitioner has availed a loan by pledging the original RC book of the vehicle before the Canara Bank, Nasianur Branch, and thereafter, he has defaulted the said loan. Therefore, the bank has refused to return back the original RC book to the petitioner. In the said circumstances, the vehicle was involved in the above said crime. Therefore, the Court concerned has rightly returned the petition directing the petitioner to enclose the original RC book along with the petition.

4. Considering the above facts and circumstances, the direction cannot be issued, since the court concerned has rightly returned the petition filed for return of vehicle without enclosing the original RC book. Accordingly, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rpp

To

1.The Principal District and Sessions Judge,
Erode .

2.The Inspector of Police,
Gobichettipalayam Police Station,
Erode District.

3.The Public Prosecutor,
High Court of Madras,
Chennai.

सत्यमेव जयते

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NRL (CO)
RMP (30/09/2020)