

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.9804 of 2020

Alagan (M/36)
S/o. Govindaraj,
3/56, Mangallipillai Thottam,
Giriyappa Road, T.Nagar,
Chennai Petitioner

/vs/

State rep. By
The Inspector of Police,
Virudhachallam Police Station,
Cuddalore District ... Respondent

Prayer : Criminal Original Petition has been filed under
Section 482 of Cr.P.C. to return the vehicle namely JCB
BACKHOE LOADER (3DX) bearing registration number TN 31 CA
2363 to the petitioner.

For Petitioners : Mr. K.Pragadeesh Kumar

For respondents : Mr. Mohamed Riyaz,
Addl. Public Prosecutor

ORDER

This Criminal Original Petition has been filed for
a direction to return the vehicle CB BACKHOE LOADER
(3DX) bearing registration number TN 31 CA 2363 to the
petitioner.

2. The petitioner has purchased the vehicle JCB
through auction conducted by the Chollamadalam Investment
and Finance Company. After purchasing the said vehicle,
the same was taken by the original owner of the vehicle.
It is also seen that since the original owner defaulted
on his payment to the financier, the vehicle was seized
by the financier and hence, the said vehicle was sold out
on the auction. In the auction, the petitioner had
purchased the same. Thereafter it was taken by the
original owner. Hence, the petitioner lodged a complaint
and it was registered in Crime No. 12 of 2020 for the
offence under Sections 147, 341, 379 of IPC. Thereafter,
the respondent police also recovered the vehicle and
deposited the same before the concerned Judicial
Magistrate Court. Since the vehicle was not yet

transferred with the petitioner after purchase it from auction, RC book is not available with the petitioner. Hence, the petition for returning of his vehicle was returned for want of original RC Book.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

4. Considering the above facts and circumstances, the learned Magistrate is directed to entertain the petition for return of property without insisting the petitioner to produce original Registration Certificate of the JCB BACKHOE LOADER (3DX) bearing registration number TN 31 CA 2363 and pass appropriate orders on merits and in accordance with law.

5. With the above directions, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mrp

1.The Inspector of Police,
Virudhachallam Police Station,
Cuddalore District.

2.The Public Prosecutor,
High Court, Madras.

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VSN II(CO)
CB(16/07/2020)

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