



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 08.07.2020

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**THE HONOURABLE MRS. JUSTICE R. THARANI**

Crl. R.C.(MD)No.390 of 2020

Stellamary

... Petitioner / Petitioner /  
Vehicle owner 3<sup>rd</sup> party

Vs.

The State Rep. By its  
Inspector of Police,  
Mayanur Police Station,  
In Crime No.292 of 2020

... Respondent / Respondent /  
Complainant

**Prayer :** This criminal revision case is filed under Sections 397 and 401 of Cr.P.C., to set aside the order made in C.M.P.No.1743 of 2020 on the file of the learned Judicial Magistrate No.II, Kulithalai, dated 11.06.2020 in respect of condition No.7, consequently modify the condition no.7 to that effect the petitioner shall entrust sthe attested Xerox copy of Registration Certificate of the said vehicle before the trial Court.

For Petitioner : Mr.S.Gokul Raj

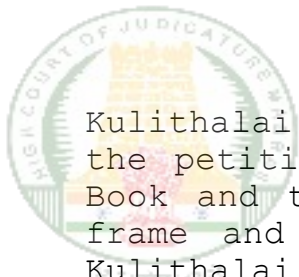
For Respondent : Mr.K.Dinesh Babu,  
Additional Public Prosecutor

**ORDER**

This revision has been filed to set aside the order passed in C.M.P.No.1743 of 2020, dated 11.06.2020, on the file of the learned Judicial Magistrate No.II, Kulithalai in respect of condition no.7 alone.

2.On the side of the petitioner, it is stated that the petitioner purchased the vehicle from the original owner. However, due to lockdown, the petitioner was not able to transfer the vehicle in his name. The vehicle was seized by the Police in Crime No.292 of 2020. The petitioner filed a petition in C.M.P.No.1743 of 2020 on the file of the learned Judicial Magistrate No.II, Kulithalai for interim custody of the vehicle bearing registration No.TN-45-BH-0756. The trial Court has allowed the petition on few conditions. It is stated that the order of learned Judicial Magistrate No.II,

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



Kulithalai in respect of condition no.7 is to be modified as that the petitioner will change the ownership of the vehicle in the RC Book and then deposit the RC book before the Court within a time frame and prays the order of learned Judicial Magistrate No.II, Kulithalai to be modified to that effect.

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3.On the side of the prosecution, it is stated that the RC book was not in the name of the petitioner and if the vehicle is released, the petitioner may not be able to produce the same at the time of trial.

4.A perusal of the records reveals that the offence against the petitioner is under Section 506(ii) of IPC. On the side of the petitioner, it is stated that the RC book was in the name of the previous owner of the vehicle and before transferring the name, the petitioner may not be in a position to produce the original RC book before the Court and that for transferring the vehicle in the name of the petitioner, the petitioner has to produce the vehicle.

5.In the above circumstances, the order of the learned Judicial Magistrate No.II, Kulithalai is modified to the effect that the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.292 of 2020 on the file of the learned Judicial Magistrate No.II, Kulithalai along with a bond for a sum of Rs.5,00,000/- (Rupees Five Lakhs only) along with two sureties each Rs.2,00,000/- (Rupees Two Lakhs only) for a like sum and on further condition that the RC book is to be deposited before the Court within a period of two weeks from the date of return of the vehicle.

6.With the above direction, the Criminal Revision Case is allowed and the order passed in C.M.P.No.1743 of 2020 dated 11.06.2020 is modified. No Costs.

Sd/-

Deputy Registrar (Accounts)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note : In view of the present lock down owing to COVID - 19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.



To

1.The Judicial Magistrate No.II, Kulithalai.

2.The Inspector of Police,  
Mayanur Police Station.

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

Crl. R.C.(MD)No.390 of 2020  
08.07.2020

Mrn

SDS (15.07.2020) 3P-4C