



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.06.2020

CORAM :

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.R.C. (MD)No.393 of 2020

Balachandra Babu, S/o.Chandrasekaran ... Petitioner

Vs.

The Inspector of Police,
PC Patty Police Station,
Theni District.
(Crime No.658/2020)

... Respondent

Petition filed under Section 397 r/w 401 of the Criminal Procedure Code, to call for the records and set aside the order passed by the learned Judicial Magistrate, Theni, in Cr.M.P.No.1869 of 2020, dated 17.06.2020.

For Petitioner : Mr.K.Jeyamohan

For Respondent : Mr.R.Anandharaj
Additional Public Prosecutor

O R D E R

By consent, the main revision itself is taken up for final disposal.

2.This Petition is filed to modify the order passed by the learned Judicial Magistrate, Theni, in a petition filed under Section 451 of Cr.P.C., for return of vehicle.

3.According to the learned counsel appearing for the revision petitioner, the revision petitioner is the owner of the vehicle viz., Ford Figo, bearing Registration No.TN-57-AY-1001. While considering the application for interim custody of the vehicle, the Trial Court has directed the revision petitioner to execute a surety bond for Rs.2,00,000/- and to surrender the R.C. Book of the vehicle. The learned counsel appearing for the revision petitioner would submit that the value of the vehicle is less than Rs.2,00,000/- and therefore, the said condition has to be modified. Besides, the original R.C. Book was taken by the respondent police and they have not returned it back to the revision petitioner and



therefore, the revision petitioner is not in a position to deposit the original R.C. Book before the Trial Court.

4.The learned Additional Public Prosecutor appearing for the respondent would stoutly deny the allegation made by the petitioner's counsel and would submit that the original R.C. Book was never taken by the respondent police.

5.Be that as it may, if the petitioner herein is not in possession of the original R.C. Book of the vehicle, he can very well produce the photocopy of the same with an undertaking that he will get duplicate copy of the R.C. Book of the vehicle and submit the same to the Court within the time prescribed. As far as execution of bond for Rs.2,00,000/- as a pre-condition for interim custody of the vehicle is concerned, there is no reason warranting interference by this Court. Hence, this Criminal Revision Case is disposed of with the following directions:-

(i) The revision petitioner shall give an undertaking to the learned Judicial Magistrate, Theni, that he will produce the duplicate copy of the R.C. Book within 15 days from the date of return of the vehicle.

(ii) The revision petitioner shall submit a photocopy of the R.C. Book to the learned Judicial Magistrate, Theni, for the present.

(iii) If the revision petitioner violates any one of the conditions, the respondent police shall seize the vehicle and produce the same before the learned Judicial Magistrate, Theni.

(iv) All other conditions imposed by the learned Judicial Magistrate, Theni, in Cr.M.P.No.1869 of 2020, dated 17.06.2020, shall stand confirmed.

Sd/-

Assistant Registrar (Records)

// 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,
Theni.

2.The Inspector of Police,
PC Patty Police Station,
Theni District.

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

Crl.R.C. (MD) No.393 of 2020
29.06.2020

smn2

SDS (03.07.2020) 3P-4C