



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.08.2020

CORAM:

THE HONOURABLE **MR. JUSTICE R. PONGIAPPAN**

CrI.O.P.(MD)No.8814 of 2020

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Senthil Kumar

... Petitioner

Vs.

State rep. by Inspector of Police,
Kattuputhur Police Station,
Tiruchirapalli District.
(Crime No.148 of 2019)

... Respondent/Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the principal District Judge (Special Court), Trichirapalli, to entertain the petition filed by the petitioner which is for ordering to return of property without insisting the petitioner to produce the original RC Book and pass appropriate orders in merits with accordance to law.

For Petitioner	: Mr.K.Pragadeesh Kumar
For Respondent	: Mr.A.P.G.Ohm Chairma Prabhu Government Advocate

O R D E R

This Criminal Original Petition has been filed seeking a direction to direct the Principal District Judge (Special Court), Trichirapalli, to entertain the petition filed by the petitioner, in which he is seeking the relief to return the case property for interim custody without insisting the petitioner to produce original RC Book relates to the vehicle which was recovered during the time of investigation and handed over to the Special Court for judicial custody.

2.The learned counsel for the petitioner would submit that the petitioner herein recently purchased the Two wheeler bearing Registration No.TN-49-AA-2532 and the same was recovered by the respondent as material object in Crime No.148 of 2019 on the file of the respondent police. He would further submit that all the documents relate to the said vehicle is pending with the Registering Authority, Musiri, for the purpose of transferring the ownership. Therefore, insisting the petitioner to produce the RC book, is not necessary.



3. In this regard, the learned Government Advocate appearing for the respondent would submit that without seeing the RC book, it is not possible for the Court concerned to decide the ownership of the vehicle.

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4. Upon considering the arguments advanced by either side, it is true without seeing the Registration Certificate the owner of the vehicle cannot be identified. In this regard, our Hon'ble Apex Court in the case of **Naveen Kumar Vs. Vijay Kumar and Ors in Civil Appeal No.1427 of 2018, dated 06.02.2018**, wherein our Hon'ble Apex Court has held as follows:-

"The definition of the expression 'Owner' in Section 2(30), it is the person in whose name the motor vehicle stands registered who, for the purposes of the Act, would be treated as the 'Owner'. Where a motor vehicle is subject to an agreement of hire purchase, lease or hypothecation, the person in possession of the vehicle under the agreement is treated as the owner. In a situation where the registered owner had purported to transfer the vehicle but continues to be reflected in the records of the registering authority as the owner of the vehicle, he would not stand absolved of liability. The principle underlying the provisions of Section 2(30) is that the victim of a motor accident or, in the case of a death, the legal heirs of the deceased victim should not be left in a state of uncertainty."

So applying the principles set out in the above referred judgment, it is clear that till the name of the person, who purchased the vehicle, was entered into the RC book, he cannot claim the ownership. Therefore, the prayer sought for by the petitioner, is not reasonable one and devoid of merits.

5. With the above observations, this Criminal Original Petition is dismissed with liberty to the petitioner to file an application after changing his name in the RC book.

Sd/-

Assistant Registrar(CS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cp



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 Inspector of Police,
Kattuputhur Police Station,
Tiruchirapalli District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.8814 of 2020

avs (CO)
TR(14.09.2020) 3P 3C