



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 27.08.2020

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE R. THARANI

CrI. R.C.(MD)No.479 of 2020

Moorthy

.. Petitioner

Vs.

The State rep. By
Inspector of Police,
Sedapatti Police Station,
Madurai District.
(Crime NO.297 of 2019)

.. Respondent

Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the records in pertaining to Cr.M.P.No.382 of 2020 on the file of the learned Principal Sessions Judge, Madurai by an order dated 21.01.2020 in the Crime No.297 of 2019 on the file of the respondent police and to modify the condition as produce the xerox copy of the RC book of the trailer bearing registration No.TN-58-L-2071 instead production of the original R.C. Book of the trailer.

For Petitioner : Mr.S.Balaji

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

ORDER

This revision has been filed to set aside the order passed in CrI.M.P.No.382 of 2020 dated 21.01.2020, on the file of the learned Principal Sessions Judge, Madurai in respect of condition No.2 alone.

2.The petitioner claims to be the owner of the tractor bearing Registration No.TN-32-AY-7651 and the trailer bearing Registration No.TN-58-L-2071. The respondents seized the tractor and trailer that belong to the petitioner alleging that the tractor and trailer were used for the sand theft and produced the property before the Court. A case against the petitioner was registered in Crime No.297 of 2019 under Section 379 of IPC r/w. Section 4(1)(1-A), 21(1) of MMDR Act.



Subsequently, the petitioner has approached the learned Principal Sessions Judge, Madurai, by filing a petition for release of the vehicle and the learned Judge allowed the petition in Crl.M.P.No.382 of 2020 dated 21.01.2020, by imposing the second condition to the effect that "the Mahendra Tractor and Trailer bearing registration Nos.TN-32-AY-7651 and TN-58-L-2071 are ordered to be returned to the petitioner, on interim custody on production of the original R.C. Book and on payment of cash surety of Rs.5,000/- and on his executing a own bond of Rs.40,000/- to the satisfaction of District Munsif Cum Judicial Magistrate, Peraiyur after obtaining the photo shot of the vehicle". Challenging the aforesaid condition, the petitioner is before this Court with this revision case.

3.On the side of the petitioner, it is stated that the vehicles of the petitioner were kept in open by the Police from 04.11.2019 onwards. The R.C. Book of the petitioner was with the financier. The R.C. Book could not be produced before the District Munsif cum Judicial Magistrate, Peraiyur and prayed to set aside the second condition alone.

4.On the side of the prosecution, it is stated that if the R.C. Book is not produced that may lead to malpractice and the petitioner may not produced the vehicle as and when it is required by the Court and prayed to dismiss this petition.

5.Non submission of R.C. Book may lead to malpractice and may lead to problems in confiscation proceedings, if any, that may be taken in future. Hence, this Court deems it fit to dismiss the petition. Hence, the Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Mrn

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 Principal Sessions Judge,
Madurai.

2.The Inspector of Police,
Sedapatti Police Station,
Madurai District.

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

Crl. R.C. (MD) No. 479 of 2020
27.08.2020

CS (08.09.2020) 3P 4C