



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On : 03.12.2020

Delivered On : 11.12.2020

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.542 of 2020

WEB COPY

P.Ramasamy

... Petitioner

Vs.

The Inspector of Police,
Annavaasal Police Station,
Pudukkottai,
Pudukkottai District.

... Respondent

Prayer : This criminal revision case is filed under Sections 397(1) r/w. 401 of Cr.P.C., to call for the records in Cr.M.P.No.3265 of 2020 dated 26.08.2020 on the file of the learned Principal District and Sessions Judge, Pudukkottai and to set aside the same.

For Petitioner : Mr.G.Mathavan

For Respondent : Mr.A.Saravanakumar
Government Advocate

ORDER

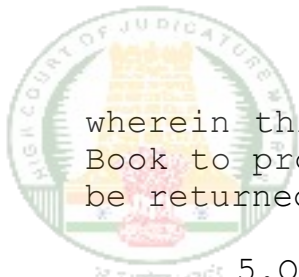
This petition has been filed to set aside the order passed in Crl.M.P.No.3265 of 2020 dated 26.08.2020, on the file of the learned Principal District and Sessions Judge, Pudukkottai.

2.The petitioner claims to be the owner of the tractor 475 DI Engine No.ZKE2KAA6101 and chassis no.MBNAAAJALKZE08564. The respondent seized the vehicle alleging that the vehicle was involved in sand theft and produced the property before the Court. Subsequently, the petitioner has approached this Court by filing a petition in W.P.(MD)No.7709 of 2020, wherein this Court directed him to approach the Principal District and Sessions Court. Later the petitioner has filed a petition in Crl.M.P.No.3265 of 2020, for release of the vehicle before the learned Principal District and Sessions Judge, Pudukkottai and the learned Judge dismissed the petition on 26.08.2020. Against the order, the petitioner is before this Court with this revision case.

3.On the side of the petitioner, it is stated that the vehicle was purchased by the petitioner on 25.02.2020. The petitioner was waiting for subsidy before getting the vehicle registered in his name. The unregistered vehicle was seized by the respondent police on 18.04.2020. For the registration of the vehicle, the petitioner is in need of the vehicle.

4.On the side of the petitioner, it is further stated that the judgment of this Court in the case of **Manohar v. The Revenue Divisional Officer** in **W.P. (MD)Nos.10263 and 10268 of 2020** is cited,

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wherein this Court has observed that there is no necessity for R.C. Book to prove the ownership of the vehicle and prayed the vehicle to be returned to the petitioner.

5. On the side of the respondent, it is stated that the vehicle was used in sand theft, which is a social offence. If the vehicle is returned to the petitioner again, there is possibility for the vehicle being used for commission of similar offence and prayed the revision to be dismissed.

6. It is seen that without even a temporary registration, the dealer has handed over the possession of the vehicle to the petitioner, which is illegal. Though the petitioner purchased the vehicle two months prior to the alleged date of occurrence, he has not taken any steps to registered the vehicle in his name. If there is question regarding the subsidy, the petitioner has to wait till the subsidy is granted to him and then only he can purchase the vehicle and use the vehicle. The petitioner cannot take advantage of his own fault. Considering the vehicle being kept in the open space, this Court is inclined to pass a direction to the Principal District and Sessions Court to dispose of the case within a period of three months from the date of receipt of copy of this order.

7. With the above direction, 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 District and Sessions Judge, Pudukkottai.
2. The Inspector of Police, Annavasal Police Station,
Pudukkottai, Pudukkottai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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