

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.6951 of 2021

R.Fathima Shirren

... Petitioner

Vs.

The State Rep.by
The Inspector of Police
B-1, Dharmapuri Town Police Station
Dharmapuri
Crime No.1311 of 2012.

... Respondent

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to pass an order of direction to the learned Judicial Magistrate No.I, Dharmapuri to release the vehicle viz., White Colour Skoda Car bearing Registration No.TN-07-BQ-1500 and to return the original R.C.Book of the vehicle to the petitioner herein pending in Crime No.1311/2012 of B1, Dharmapuri Police Station.

For Petitioner : Mr.T.Surendran

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to pass an order of direction to the learned Judicial Magistrate No.I, Dharmapuri to release the vehicle viz., White Colour Skoda Car bearing Registration No.TN-07-BQ-1500 and to return the original R.C.Book of the vehicle to the petitioner herein pending in Crime No.1311/2012 of B1, Dharmapuri Police Station.

2. It is seen that the petitioner is the wife of the defacto complainant. On 10.08.2012, the petitioner's husband was abducted along with the White Colour Skoda Car bearing Registration No.TN-07-BQ-1500 by 10 persons and hence, he lodged a complaint before the respondent police herein and a case was registered in Crime No.1311 of 2012. Thereafter, the respondent Police seized the said Car. Subsequently, the petitioner moved Crl.M.P.No.3933 of 2012 before the Lower Court to return her Car and the same was allowed on 17.09.2012 on condition that the petitioner shall deposit the original R.C.Book of the vehicle. Now, the petitioner has filed this petition seeking direction to return the original R.C.Book of the vehicle and also seeking permission to sell the vehicle. The petitioner had not moved any petition seeking such prayer before the trial Court.

3. In a case of this nature, the Hon'ble Apex Court in a judgment of has held that the vehicle involved in criminal case to be taken along with CD and produce the same before Court and thereafter.

the vehicle to be returned to the person, from whom the vehicle had been seized, even if that person is an accused as in this case.

4. Taking into consideration the above judgment, it would not be right to hand over the vehicle to the petitioner without handing over the R.C.Book. In view of the same, the petitioner is directed to approach the trial Court with necessary particulars.

5. With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CS-V)

//True copy//

Sub Assistant Registrar

dna

To

1. The Judicial Magistrate No.1,
Dharmapuri.
2. Through The Chief Judicial Magistrate,
Dharmapuri.
- 3.The Inspector of Police
B-1, Dharmapuri Town Police Station
Dharmapuri
- 4.The Public Prosecutor,
Madras High Court,
Chennai.

सत्यमेव जयते

Cr1.O.P.No.6951 of 2021

UM(CO)
GMY(05/07/2021)

WEB COPY