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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2021

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.18260 of 2021

Devendran

...Petitioner

Versus

The Inspector of Police,
Mecheri Police Station,
Salem District.
(Crime No.105 of 2019)

...Respondent

Prayer: This Criminal Original Petition is filed under Section 482 of Criminal Procedure Code praying to modify the condition imposed in Crl.M.P.No.2045 of 2019 dated 11.04.2019 on the file of Judicial Magistrate Court No.II, Mettur that "...the petitioner shall deposit the original RC book with this Court..."

For Petitioner : Mr.C.Deepak Kumar

For Respondent : Mr.A.Damodaran (Crl.Side)
Additional Public Prosecutor

O R D E R

This petition has been filed to modify the condition imposed in Crl.M.P.No.2045 of 2019 dated 11.04.2019 on the file of Judicial Magistrate Court No.II, Mettur that "...the petitioner shall deposit the original RC book with this Court..."

2. The petitioner is the owner of the Innova Crysta bearing Reg.No.KA-51-MJ-3738 and one Muniyappan/defacto complainant is the driver of the said Car. While the driver taking back the vehicle to the car shed, three unknown persons stopped and informed him that a known person is injured and he has been admitted for treatment at Coimbatore. The defacto complainant had taken them in the car in late hours and when



they stopped for resting, the three unknown persons, who came in the car, had forcibly taken away the cash, cell phone and other articles of the defacto complainant. Thereafter, a complaint has been lodged.

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3. The learned counsel for the petitioner submits that the Car is not a case property and for what reason the car has been seized by the respondent police is not known. In any event, the petitioner filed return of property in CrI.M.P.No.2045 of 2019 and the same was allowed by the Lower Court vide order dated 11.04.2019 with certain conditions. One of the conditions is that the petitioner shall deposit the original RC book before the Lower Court. Now, the original RC book is retained by the Judicial Magistrate Court No.II, Mettur. He further submitted that he is in Karnataka and he travels regularly between Bangalore and Tamil Nadu for business purpose. Since the petitioner takes inter-state transportations frequently, the original RC book is necessary while crossing the state border.

4. The learned Additional Public Prosecutor submits that in this case, the vehicle was seized and later, handed over to the petitioner. Now the RC book is deposited before the Court.

5. Considering the submissions and perused the materials, it is seen that the petitioner is the owner of the vehicle and the defacto complainant is the victim and for what purpose the vehicle has been seized is not known. Further, in such circumstances, such severe condition is not necessary. This Court as well as the Hon'ble Apex Court time and again states that the original documents of the vehicle to be handed over to the petitioner and the self-attested photocopy of the documents can be retained.

6. In view of the same, this Court directs the Judicial Magistrate No.II, Mettur, to receive the self attested Photostat copy of the vehicle's document from the petitioner and handed over the original to the petitioner.

7. With the above directions, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar



dna/drm

To

1. The Judicial Magistrate No.II,
Mettur.

2. The Inspector of Police,
Mecheri Police Station,
Salem District.

3. The Public Prosecutor
High Court, Madras.

Cr1.O.P.No.18260 of 2021

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