



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 16.02.2021
CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

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Crl. R.C.(MD)No.105 of 2021

K.Mathanaraj

... Petitioner

Vs.

The Inspector of Police
Ariyamangalam Police Station,
Trichy District.

... Respondent

Prayer : This Revision Case filed under Sections 397 and 401 of Cr.P.C., to call for the records relating to order in Crl.M.P.No.1435 of 2020, on the file of the Judicial Magistrate No.VI, Tiruchirappalli, by its order dated 17.09.2020 and to modify the condition imposed by the Judicial Magistrate No.VI, Tiruchirappalli with regard to production of original R.C. book, with regard to release of the vehicle in relating to Crime No.33 of 2020.

For Petitioner : Mr.M.Viji

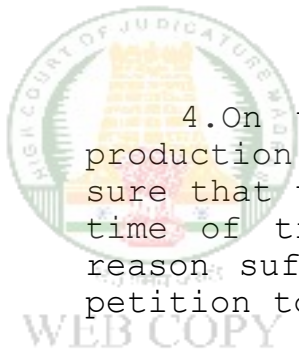
For Respondent : Mrs.S.Bharathi
Government Advocate

ORDER

This revision has been filed to to modify the condition No. (iii) of the order of the Judicial Magistrate No.VI, Tiruchirappalli, in Crl.M.P.No.1435 of 2020, dated 17.09.2020 and to allow the Criminal Revision Petition.

2.A vehicle viz., Lorry bearing Registration No.TN-50-T-7068 was seized by the respondent police in Crime No.34 of 2020. The petitioner, claiming himself as the owner of the vehicle, filed a petition before the Judicial Magistrate No.VI, Tiruchirappalli, for return of the vehicle in Crl.M.P.No.1435 of 2020. That petition was allowed by the Magistrate on certain conditions. The petitioner filed this Revision for cancellation of the condition No.(iii).

3.On the side of the petitioner, it is stated that the vehicle was purchased through financial company and the original R.C.book is in the custody of the Financial Company and therefore, the petitioner could not submit the R.C. The vehicle of the petitioner was stolen by some one and the petitioner cannot be put into trouble and prayed the condition No.(iii) to be either modified or relaxed.



4.On the side of the respondent, it is stated that only on production of the R.C. book, the vehicle can be returned, to make sure that the vehicle will be produced before the trial court at the time of trial and the condition is reasonable and there is no reason sufficient enough to entertain the petition and prayed the petition to be dismissed.

5.It is seen that the petitioner is only a victim of an offence under section 379 I.P.C.. In view of the same, this Court is inclined to modify the condition No.(iii)., is as follows:

"(i).The petitioner is directed to deposit a sum of **Rs.50,000/- (Rupees Fifty Thousand only)** before the trial Court and to file an undertaking affidavit that the original R.C.Book will be produced as and when required by the Court.

(ii) The petitioner is directed to file a certified copy of the R.C. before the trial Court and the condition No.(i) *suo-motu* modified that the petitioner is directed to execute a bond for a sum of **Rs.5,00,000/- (Rupees Five Lakhs only)** with two sureties before the trial Court."

In respect of other conditions, the order of the Magistrate shall remain unaltered. This Criminal Revision Case is allowed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 Judicial Magistrate No.VI,
Tiruchirappalli.

2.The Inspector of Police
Ariyamangalam Police Station,
Trichy District.



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

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