



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 27.04.2021

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THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI**

Cr1.RC(MD)No.114 of 2021

R.Ganesan : Petitioner/Petitioner

Vs.

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Melur, Madurai District.

2.The Tahsildar,
Madurai East, Madurai.

3.The Assistant Director,
Tamil Nadu Mines & Minerals,
Madurai District.

: Respondents/Respondents

Prayer: Criminal Revision filed under section 397 and 401 of the Code of the Criminal Procedure, to call for the records relating to the judgment, dated 23.09.2020 made in Cr1.MP No.557 of 2020 on the file of the Judicial Magistrate, Melur, and set aside the same and to direct the learned Judicial Magistrate, Melur to grant interim custody of RC Book of the petitioner's vehicle bearing No.TN-59-AU-3306.

For Petitioner : Mr.K.Muthu Ganesh Pandian

For Respondent : Mr.A.Robinson,
Government Advocate (Cr1. Side)

ORDER

This Criminal Revision has been filed to call for the records relating to the judgment, dated 23.09.2020 made in Cr1.MP No.557 of 2020 on the file of the Judicial Magistrate, Melur, and set aside the same and to direct the learned Judicial Magistrate, Melur to grant interim custody of RC Book of the petitioner's vehicle bearing No.TN-59-AU-3306.

2.The petitioner is the owner of the Tipper Lorry TN-59-AU-3306. The above said vehicle was seized on the allegation that it was used for illegal transport of soil and it is in the custody of the second respondent Tahsildar, Madurai East. The alleged vehicle along with RC Book was later handed over to the Court. Subsequently, as per the order of this Court made in W.A(MD)No.948 of 2019, dated



19.09.2019 the petitioner's vehicle was directed to be released by the concerned Magistrate Court on imposing certain conditions. Thereafter, based on the order passed by this Court, the vehicle was returned, however, the RC Book was retained by the learned Judicial Magistrate, Melur. The petitioner in order to obtain a Fitness Certificate had filed a petition in Cr1.M.P. No.557 of 2020 seeking for return of RC Book. But the learned Judicial Magistrate, Melur, by order, dated 23.09.2020 has dismissed the petition. Challenging the same, the petitioner is before this Court.

3.The learned counsel appearing for the petitioner submitted that the petitioner is the owner of the vehicle and he is not an accused in the criminal case registered by the police and that the vehicle has been used for that offence without his knowledge. It is further submitted that the vehicle is used as a public transport vehicle and now, since the Fitness Certificate issued has lapsed, he is unable to use the vehicle, thereby, he is put to severe hardship and the RC Book is needed for renewing the Fitness Certificate and praying for allowing the Criminal Revision.

4.The learned Government Advocate (Criminal side) appearing for the respondents submitted that if the RC Book is returned to the petitioner, the petitioner will involve in similar offence.

5.Heard the learned counsel appearing on either side and perused the materials available on record.

6.It is the main grievance of the petitioner that in order to obtain a Fitness Certificate and to carry out the formalities for obtaining the Fitness Certificate, interim custody of the RC Book is necessary.

7.Considering the above facts and circumstances of this case, this Criminal Revision is disposed of and impugned order, dated 23.09.2020 passed in Cr1.MP No.557 of 2020 by the learned Judicial Magistrate, Melur, is set aside. The learned Judicial Magistrate, Melur is directed to hand over the interim custody of the RC Book of the Tipper Lorry TN-AU-3306 to the petitioner for a period of four weeks from the date of receipt of a copy of this order on condition that the petitioner shall file an undertaking affidavit before the Judicial Magistrate, Melur, to return the RC book after completion of Fitness Certificate formalities within a period of four weeks from the date of handing over the RC Book.

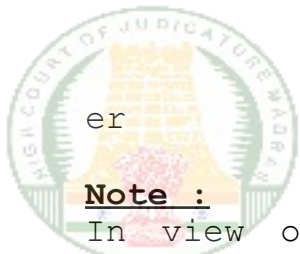
Sd/-

Assistant Registrar(CS-III)

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/ /2021

Sub Assistant Registrar(CS)



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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,
Melur,
Madurai District,
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Melur, Madurai District.
- 3.The Tahsildar,
Madurai East, Madurai.
- 4.The Assistant Director,
Tamil Nadu Mines & Minerals,
Madurai District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K.MUTHU GANESA PANDIAN, Advocate (SR-18021[F] dated 29/04/2021)

Crl.RC(MD)No.114 of 2021
27.04.2021

MJ(CO)
TR(28.06.2021) 3P 7C