



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 16.03.2021

CORAM

**THE HONOURABLE MRS. JUSTICE R. THARANI**

Crl. R.C. (MD)No.204 of 2021

S.Mathiyalagan

.. Petitioner

Vs.

State represented by the,  
Sub Inspector of Police,  
Thiruvonam Police Station,  
Thanjavur District.  
(Crime No.742 of 2020)

.. Respondent

**Prayer :** This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the records of the learned Special Court under Mines and Minerals (D & R) Act, 1957, Thanjavur/Principal Sessions Judge, Thanjavur in Cr.M.P.No.5000 of 2020, dated 05.01.2021 and to set aside the portion of condition with regard to production of original R.C. Book to the concerned Magistrate Court and permit the petitioner to produce Xerox copy of the original R.C. Book relating to its vehicle bearing Registration No.TN-55-M-1316, (Tractor).

|                |                              |
|----------------|------------------------------|
| For Petitioner | : Mr.S.Deenadhayalan         |
| For Respondent | : Mr.S.Chandrasekar          |
|                | Additional Public Prosecutor |

**ORDER**

This revision has been filed to set aside the order passed in Crl.M.P.No.5000 of 2020 dated 05.01.2021, on the file of the learned Principal Sessions Judge, Special Court under Mines and Minerals (D& R) Act, 1957, Thanjavur in respect of condition no.4 and to hand over the interim custody of the vehicle which belongs to the petitioner.

2.The petitioner claims to be the owner of the tractor bearing Registration No.TN-55-M-1316. The respondent seized the tractor alleging that the vehicle was involved in sand theft and produced the property before the Court. Subsequently, the petitioner has approached the learned Principal Sessions Judge, Thanjavur, by filing a petition for release of the vehicle and the learned Judge allowed the petition in Crl.M.P.No.5000 of 2020 dated 05.01.2021, by imposing fourth condition to the effect that 'the petitioner shall surrender the original R.C.Book of his vehicle before the said Magistrate's Court till the disposal of the case. The petitioner is permitted to obtain the original R.C.book on petition from the said



Magistrate's Court for renewal of the vehicle as and when required and after renewal, he shall hand over the same again to the said Magistrate's Court.' Challenging the aforesaid condition, the petitioner is before this Court with this revision case.

3.On the side of the petitioner, it is stated that the vehicle of the petitioner was kept in open by the Police from 28.07.2020 onwards. The R.C. Book of the petitioner was with the financier. The R.C. Book could not be produced before the District Munsif cum Judicial Magistrate, Orathanadu and prayed to set aside the second condition alone.

4.On the side of the respondent, it is stated that if the R.C. Book is not produced that may lead to malpractice and the petitioner may not produced the vehicle as and when it is required by the Court and prayed to dismiss this petition.

5.The original Registration Certificate is necessary to ensure the production of the vehicle at the time of trial. The condition imposed by this Court is reasonable and there is nothing sufficient enough to interfere in the order passed in Crl.M.P.No.5000 of 2020 dated 05.01.2021, on the file of the learned Principal Sessions Judge, Special Court under Mines and Minerals (D&R) Act, 1957, Thanjavur.

6.Hence, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar(AE)

// True Copy //

/ /2021

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 Sessions Judge, Thanjavur.  
(Special Court, under mines and minerals D&R Act)

2.The Sub Inspector of Police,  
Thiruvonam Police Station, Thanjavur District.



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

+1 CC to M/s.S.DEENADHAYALAN, Advocate ( SR-11898[F] dated  
17/03/2021 )

Crl. R.C.(MD)No.204 of 2021  
16.03.2021

KMV(CO)  
TR(08.04.2021) 3P 5C