



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 01.04.2021

CORAM

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

Crl. R.C.(MD)No.277 of 2021

M/s.Eagle Deep Infra India Private Limited,

By its Manager, Manickavasakan

.. Petitioner

Vs.

The Inspector of Police,

Moondradaippu Police Station,

Nanguneri Taluk, Tirunelveli District.

.. Respondent

**Prayer :** This Criminal Revision Case is filed under Sections 397 and 401 of Cr.P.C., to set aside the docket order passed by the learned Judicial Magistrate, Nanguneri in Cr.M.P.No.3748 of 2019 in C.C.No.448 of 2019 dated 11.02.2020 and to accept the duplicate copy of the R.C. Book for SUMO GOLD LX bearing Registration No.MH-05-BL-4919 seized by the respondent on 24.05.2019 in connection with Crime No.60 of 2019.

For Petitioner

: Mr.S.Sankarapandian

For Respondent

: Mr.S.Chandrasekar

Additional Public Prosecutor

#### **ORDER**

This petition has been filed to set aside the condition imposed in Cr.M.P.No.3748 of 2019 dated 11.02.2020, on the file of the learned Judicial Magistrate, Nanguneri.

2.The respondent seized a Sumo Gold LX car bearing Registration No.MH-05-BL-4949 and produced the property before the Court. Subsequently, the petitioner claiming himself as the owner of the car, has approached the learned Judicial Magistrate, Nanguneri, by filing a petition for return of the vehicle and the learned Judge allowed the petition in Crl.M.P.No.3748 of 2019 dated 11.02.2020 on certain conditions. Against the condition no.2, the petitioner preferred the Criminal Revision Case.

3.On the side of the petitioner, it is stated that the original registration certificate was found missing and the petitioner is not a position to produce original registration certificate before the trial Court and prayed the condition to be modified.

4.In support of his contention, a similar judgment passed by this Court in the case of **Balachandra Babu v. The Inspector of Police** in **Crl.R.C. (MD)No.393 of 2020** is cited.

5.On the side of the respondent, it is stated that the



petitioner has not filed any document to prove that his original registration certificate was missing. No steps have been taken by the petitioner to find out the original registration certificate. The facts of the case citation by the petitioner is different to the facts of the present case and prayed the petition to be dismissed.

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6.It is seen that the petitioner has not stated, when the registration certificate was found missing. He has not produced any document to show the original registration certificate was found missing. No document relating to the steps taken by the petitioner for missing of the registration certificate was filed by the petitioner. The petitioner has filed the copy of the duplicate registration certificate, which is said to have been issued by the Transport Authority. The seal in the duplicate registration certificate is not clear. There was no endorsement that it is a duplicate registration certificate issued by the authorities. The validity of the duplicate registration certificate cannot be decided at this stage.

7.In the above circumstances, this Court is inclined to *suo moto* modify the first condition to the effect that the petitioner shall deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) to the credit of Crime No.60 of 2019 before the learned Judicial Magistrate, Nanguneri within a period of two weeks from the date of receipt of copy of this order and the petitioner shall execute a bond for a sum of Rs.5,00,000/- (Rupees Five Lakhs only) with two sureties for like sum each to the satisfaction of the learned Judicial Magistrate, Nanguneri. This Court is inclined to modify the second condition to the effect that the petitioner has to file an undertaking affidavit that the original registration certificate was found missing and that the petitioner will deposit the original registration certificate, if found and that he will not use the original registration certificate without the knowledge of the Court. The petitioner is directed to produce the duplicate registration certificate before the Court. In respect of other conditions, the order of the learned Judicial Magistrate shall remain unaltered.

8.In view of the above, the Criminal Revision Case is partly allowed and the order passed by the learned Judicial Magistrate, Nanguneri in Cr.M.P.No.3748 of 2019 dated 11.02.2020 is modified as above.

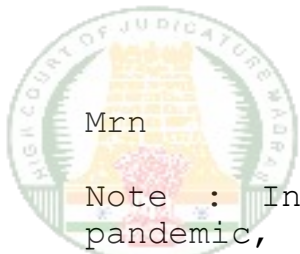
Sd/-

Assistant Registrar(CS-I)

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/ /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 Judicial Magistrate, Nanguneri.

2.The Inspector of Police,  
Moondradaippu Police Station,  
Nanguneri Taluk,  
Tirunelveli District.

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

+1 CC to M/s.S.SANKARA PANDIAN, Advocate ( SR-15184[F] dated  
01/04/2021 )

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01.04.2021

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