



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2021

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

Crl.R.C(MD)No.486 of 2021

Sevugan

... Petitioner/Petitioner/
Accused No.1

Vs.

State rep. by
The Inspector of Police,
Kottampatti Police Station,
Madurai District.
(Cr.No.333 of 2019)

...Respondent/Respondent/
Complainant

Prayer : This Criminal Revision is filed under Section 397 and 401 of Criminal Procedure Code, to call for the records relating to the impugned order passed by the Principal Sessions Judge (FAC), Madurai in Crl.M.P.No.6698 of 2019, dated 06.12.2019 with regard to condition No.(ii) imposing production of original RC book alone and set aside the same and allow this revision petition.

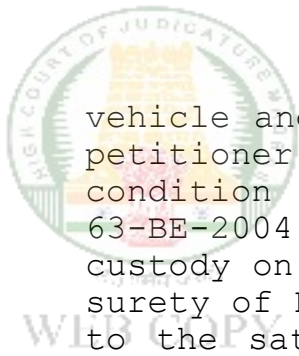
For Petitioner : Mr.R.J.Karthick

For Respondent : Mr.RMS.Sethuraman
Counsel
for State Government (Crl.side)

O R D E R

This petition has been filed to modify the condition No.(ii) imposed by the learned Principal Sessions Judge (FAC), Madurai in the order passed in Crl.M.P.No.6698 of 2019, dated 06.12.2019.

2.The petitioner claims to be the owner of the SML Isuzu Mini Tipper Lorry bearing Registration No.TN-63-BE-2004. The respondent police intercepted the vehicle of the petitioner and seized the same on the ground that it was used for carrying illegal sand without any valid permit and registered a case in Crime No.333 of 2019 under Section 379 IPC and 21(5) of Mines & Minerals (Development & Registration) Act 1957. Subsequently, the petitioner has approached the learned Principal Sessions Judge (FAC), Madurai, by way of filing a petition in Crl.M.P.No.6698 of 2019 for release of the



vehicle and the learned judge has allowed the petition filed by the petitioner by its order dated 06.12.2019, by imposing the (ii)nd condition to the effect that the Lorry bearing registration No.TN-63-BE-2004 is ordered to be returned to the petitioner, on interim custody on production of the original RC book and on payment of cash surety of Rs.15,000/- and on his executing a own bond of Rs.40,000/- to the satisfaction of Judicial Magistrate, Melur after obtaining the photo shot of the vehicle. Challenging the condition No.(ii) in respect of producing the original RC book alone, imposed by the trial Court, the petitioner is before this Court with this criminal revision.

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

4.The only grievance of the petitioner is that the condition No.(ii) in respect of producing the original RC book alone imposed by the learned Principal Sessions Judge (FAC), Madurai, is onerous.

5.In view of that, this Criminal Revision is allowed. The order of the learned Principal Sessions Judge (FAC), Madurai, made in Crl.M.P.No.6698 of 2019, dated 06.12.2019 is modified in respect of producing the original RC book alone and it is modified to the effect that the petitioner is directed to produce attested copy of the RC Book obtained from the financier before the learned Judicial Magistrate, Melur. In respect of other conditions, the order of the learned Principal Sessions Judge (FAC), Madurai, shall remain unaltered.

Sd/-

Assistant Registrar(AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsd

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,
Madurai.



2.The Inspector of Police,
Kottampatti Police Station,
Madurai District.

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

Crl.R.C (MD) No.486 of 2021
29.07.2021

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TR(06.08.2021) 3P 4C