



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Monday, the Twenty Third day of August Two Thousand and Twenty One

PRESENT:

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.5425 of 2021
in
CRL R.C.(MD) No.895 of 2019

Kannan

... Petitioner.

Vs

The Sub-Inspector of Police
Poovanthi Police Station
Sivagangai District.
(Crime No.88 of 2019)

... Respondent.

Prayer in CRL MP(MD) No.5425 of 2021 :-

Criminal Miscellaneous Petition filed under Section 482 of Cr.P.C., to modify the condition NO.4(a) of the order dated 17.12.2019 passed by this Hon'ble Court in Crl.R.C.(MD) No.895 of 2019.

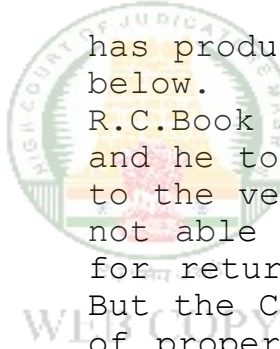
Prayer in CRL R.C.(MD) No.895 of 2019:-

Criminal Revision filed under Section 397 r/w 401 of Cr.P.C., to set aside the order passed in Cr.M.P. No.2514 of 2019 by the Principal Sessions Judge, Sivagangai, dated 04.10.2019 and order interim custody of the TATA 407 Mini Van bearing Registration No. TN 74 AQ 8975 seized by the respondent on 18/08/2019 in connection with Crime No.88 of 2019 to the petitioner.

ORDER:- This Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.T.Leninkumar, Advocate for the Petitioner and of Mr.RMS.Sethuraman, Counsel for State (Criminal Side), on behalf of the respondent, this Court made the following order:

This petition is filed to modify the condition made in paragraph No.4(a) of the order passed in Crl.R.C(MD)No.895 of 2019, dated 17.12.2019.

2.The learned counsel appearing for the petitioner submitted that this Court allowed the Criminal Revision Case in Crl.R.C(MD) No.895 of 2019, dated 17.12.2019 by imposing the conditions. One of the conditions imposed by this Court to the petitioner is that 'the petitioner should deposit the original Registration Certificate of the vehicle'. Pursuant to the order of this Court, the petitioner



has produced the Original Registration Certificate before the Court below. The trial Court accepting the production of original R.C.Book and also the deposit amount, ordered return of the vehicle and he took back the vehicle. Since the fitness certificate issued to the vehicle was expired on 17.07.2019 itself, the petitioner was not able to ply the vehicle. Hence, he approached the Court below for return of the original R.C.Book by way of filing a petition. But the Court below returned the petition on the ground that return of property order has been passed by the Hon'ble Madurai Bench of Madras High Court. Therefore, the petitioner is before this Court with this petition.

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

4.Perusal of the records shows that the trial Court has returned the petition on the ground that return of property order has been passed by this Court. Now the original R.C.Book is in custody of the trial Court. Therefore, it is the bounden duty of the trial Court to return the original R.C.Book to the petitioner as per law.

5.Accordingly, this Criminal Miscellaneous Petition is disposed of and the trial Court is directed to return the original R.C.Book to the petitioner as per law.

Sd/-

Assistant Registrar (CSIII)

// 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, Sivagangai.
2. The Sub-Inspector of Police
Poovanthi Police Station
Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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BEFORE THE MADURAI BENCH OF

ORDER DATED : 23/08/2021

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ORDER

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CRL MP(MD) . No.5425 of 2021
in

CRL R.C.(MD) No.895 of 2019
Giving direction and etc.
as stated within.

KB(31.08.2021) 3P 4C