



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.07.2021

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

Crl.R.C(MD)No.519 of 2019

Xavier Raja ... Revision Petitioner/Petitioner/Owner

Vs.

The Inspector of Police,  
Karuppayurani Police Station,  
Madurai District.

(Cr.No.253 of 2010) ... Revision Respondent/Respondent/Complainant

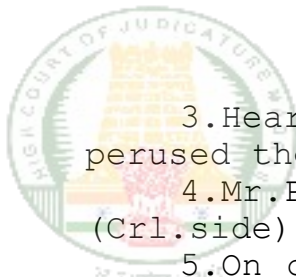
**Prayer :** This Criminal Revision is filed under Section 397 & 401 of Criminal Procedure Code, to call for the records relating to the order passed in Cr.M.P.No.980 of 2019, on the file of the Judicial Magistrate No.2, Madurai, dated 02.04.2019 in P.R.C.No.24 of 2013 in connection with Crime No.253 of 2010 on the file of the respondent police and set aside the same as illegal and consequently direct the trial Court to hand over the original R.C.book to the petitioner.

For Petitioner : Mr.J.Jeyakumaran  
For Respondent : Mr.P.Kottaichamy  
Counsel for State Government (Crl.side)

### **ORDER**

This petition is filed to set aside the order passed by the learned Judicial Magistrate No.2, Madurai, in Cr.M.P.No.980 of 2019, dated 02.04.2019.

2.The petitioner is the owner of the Ford Fiesta Car bearing Registration No.TN-63-F-3535. According to the petitioner, the alleged vehicle was seized by the respondent on 02.05.2010 in connection with Cr.No.253 of 2010 for the offence under Section 379 IPC. Seeking return of the said vehicle, the petitioner has filed a petition before the learned Judicial Magistrate, Lalgudi, for interim custody, and the said vehicle was released by the Court below with a condition to produce the original R.C book of the vehicle before the Court and the same is pending for nearly six years. In the mean while, the petitioner has approached the trial Court by way of filing a petition in Cr.M.P.No.980 of 2019 of 2020, for interim custody of the R.C. book. The learned Magistrate, by order dated 02.04.2019 has dismissed the same. Challenging the said order, 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.Mr.P.Kottaichamy, learned counsel for State Government (Crl.side) has strongly opposed to return the R.C. Book.

5.On consideration of the documentary evidence, the Trial Court has dismissed the petition on the ground that the original R.C book is returned to the petitioner herein there is a chance to sold the vehicle and the absence of the Car will affect the trial of the case. However, considering the facts and circumstances of the case, this Court is inclined to allow this petition.

6. Accordingly, this Criminal Revision Case is allowed and the order of the learned Judicial Magistrate No.2, Madurai in Cr.M.P.No.980 of 2019 is set aside and the learned Judicial Magistrate No.2, Madurai is directed to return the R.C.Book and the petitioner shall produce the same before the Court as and when required.

Sd/-

Assistant Registrar (CS I)

// 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 Judicial Magistrate No.2,  
Madurai.

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

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

Copy to:

The Section Officer,  
Criminal Section(Records),  
Madurai Bench of Madras High Court,  
Madurai.

Crl.R.C (MD) No.519 of 2019  
30.07.2021