



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.10.2021

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

CrI.O.P.(MD)No.14279 of 2021

C.Nandhakumar

: Petitioner

Vs.

State through

The Inspector of Police,

Natham Police Station,

Natham, Dindigul District.

(Crime No.606 of 2020 (DGL F1 0377))

: Respondent

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the respondent police to release the original Registration Certificate (RC book) of the TAFE Tractor with Trailor bearing No.TN-20-F-2612 to the petitioner.

For Petitioner

: Mr.S.Sivakumar

For Respondent

: Mr.K.Sanjai Gandhi

Government Advocate (CrI. side)

O R D E R

This petition is filed seeking for direction to the respondent police to release the original Registration Certificate (RC book) of the TAFE Tractor with Trailor bearing No.TN-20-F-2612 to the petitioner.

2.The case of the petitioner is that the petition mentioned vehicle was seized by the respondent police in connection with the alleged illegal transportation of sand and a case in Crime No.606 of 2020 has been registered for the offence under Section 379 IPC, on 11.07.2020. The respondent police took the Tractor with Trailor and used to visit Natham Taluk office, unloaded the sand in the presence of Revenue Officials and took the tractor in his custody. The petitioner filed a writ petition in WP(MD)No.8381 of 2020 for releasing the tractor. This Court, by order, dated 31.07.2020 allowed the writ petition with certain conditions. In compliance of the conditional order passed in the above writ petition, the petitioner produced the original RC book to the respondent. The respondent released the vehicle, but however did not return the original RC book. Seeking return of the RC book, the petitioner moved a petition in Cr.M.P No.809 of 2020, which was filed under section 451 of Cr.P.C before the learned Judicial Magistrate, Natham. However, it came to be dismissed on 30.09.2020. Aggrieved by the said order, the petitioner is before this court.



3. When the matter was taken up for hearing on 24.09.2021, report was called for from the learned Judicial Magistrate, Natham, with regard to the stage of the petition that has been filed by the petitioners in respect of Cr.M.P No.809 of 2020.

4. The grievance that has been expressed by the petitioner is that the order of dismissal, he was not served with the order copy. Now the entire records have been produced before this court.

5. Perusal of the records shows that on 28.09.2020, the above said Cr.M.P No.809 of 2020 was dismissed by the trial court observing that the order from the High Court has been received. The order passed in WP(MD)No.8381 of 2021 has also been placed before the concerned court. The order reveals that the petitioner was directed to deposit Rs.25,000/- to the credit of the District Legal Services Authority, Dindigul District and on condition that he shall produce all the documents pertaining to the owner of the seized vehicle.

6. When there is a specific order, that has been issued by this court to the respondent herein, it was submitted by the learned counsel appearing for the petitioner that the RC book was not yet returned. But however, the RC book has been handed over to the District Munsif-cum-Judicial Magistrate, Natham, by the respondent. Only for the purpose of renewal, the petitioner filed a petition before the same court seeking return of the RC book of the vehicle and that came to be dismissed.

7. The dismissal order of the trial court is cryptic in nature. Even without considering the merits, it has been simply stated that orders have been received from the High Court and so, the petition is not maintainable before this court and hence, this petition is dismissed. But however, in the report, the concerned Magistrate has stated that the case is exclusively triable by the Special Court dealing with Sand Theft cases. But it appears that the documents lies in the hands of the District Munsif-cum-Judicial Magistrate, Natham. When there is a specific order of this court, there can be no impediment to return the documents to the petitioner. For the purpose of renewal, the trial court can impose conditions for return of the original RC book asking the petitioner that after renewal purpose is over, the same must be resubmitted before the court.

8. So I am of the considered view that by exercising the jurisdiction 482 Cr.P.C, this court directs the District Munsif-cum-Judicial Magistrate, Natham, to return the original RC Book, which has been presented by the petitioner for the purpose of renewal by taking the xerox copy of the same. After the renewal purpose is over, the petitioner must resubmit the same to the concerned Court within a period of one month, after the renewal process of over.



9. With the above said direction, this criminal original petition stands allowed.

Sd/-

Assistant Registrar (AS)

// True Copy //

WEB COPY

/ /2021

Sub Assistant Registrar (CS)

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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 District Munsif-cum-Judicial Magistrate,
Natham, Dindigul District.
2. The Inspector of Police,
Natham Police Station,
Natham, Dindigul District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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SAR (CO)

KB (08.12.2021) 3P 4C