



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **02.11.2021**

CORAM:

THE HONOURABLE MR.JUSTICE **R.PONGIAPPAN**
Crl.R.C. (MD)No.786 of 2021

WEB COPY

Bibin Stalin

... Revision Petitioner/Petitioner/
Petitioner

Vs.

The Sub-Inspector of Police,
Marthandam Police Station,
Kanyakumari District at Nagercoil.

...Respondent/Respondent/
Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to the Impugned order, dated 13.08.2021 passed in Crl.M.P.No.3483 of 2021, on the file of the learned Principal Sessions Judge, Kanyakumari District at Nagercoil confirming the order of the learned Judicial Magistrate Court No.I, Kuzhithurai in Crl.M.P.No.4153 of 2021, dated 19.07.2021 and to set aside the same and further direct the learned Judicial Magistrate No.I, Kuzhithurai to return the original RC book of the petitioner's Innova Car bearing Registration No.TN 01 AC 6181.

For Petitioner : Mr.M.R.Sreenivasan

For Respondent : Mr.M.Muthumanikkam

Government Advocate (Crl.side)

ORDER

This Criminal Revision Case has been filed to set aside the order, dated 13.08.2021, passed in Crl.M.P.No.3483 of 2021 by the learned Principal Sessions Judge, Kanyakumari District at Nagercoil confirming the order, dated 19.07.2021, passed in Crl.M.P.No.4153 of 2021 by the learned Judicial Magistrate No.I, Kuzhithurai.

2. The petitioner Bibin Stalin is the owner of the vehicle bearing Registration No.TN-01-AC-6181. The respondent police seized the said vehicle in connection with Cr.No.65 of 2021, which was registered for the offences punishable under Sections 294(b), 352 and 392 of IPC. After recovering the vehicle in the above said crime number, the respondent police has produced the same before the learned Judicial Magistrate No.I, Kuzhithurai and thereafter, the learned Magistrate after receipt of the said vehicle assigned with RP number and kept the vehicle in the Court



custody. In the meantime, the petitioner herein filed an application in Crl.M.P.No.1499 of 2021 before the said Magistrate, wherein, he seeks the relief of handing over the said vehicle for interim custody. The learned Judicial Magistrate No.I, Kuzhithurai on 21.02.2021 allowed the said application and handed over the vehicle to the petitioner for interim custody on condition that the petitioner has to produce the original RC book which pertains to the said vehicle.

3. In view of the order passed by the learned Magistrate, the petitioner has produced the original RC book pertains to the said vehicle and got a vehicle for interim custody. Thereafter, before the same Court, he filed one another application in Crl.M.P.No.4351 of 2021, wherein, he prayed to return the RC book to his custody. The learned Judicial Magistrate No.I, Kuzhithurai by order dated 19.07.2021 dismissed the said application. Against which, the petitioner herein preferred an application in Crl.M.P.No.3483 of 2021 before the learned Principal Sessions Judge, Kanyakumari District at Nagercoil. The learned District Judge, by order dated 13.08.2021 after confirming the order passed by the learned Judicial Magistrate No.I, Kuzhithurai, dismissed the application filed by the petitioner.

4. Being dissatisfied with the said order, the petitioner has preferred this Criminal Revision Case praying to set aside the order passed by the Courts below.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.side) appearing for the respondent and perused the materials available on record.

6. It is the submission made by the learned counsel appearing for the petitioner that the petitioner being the resident of Kanyakumari District used to go to Kerala for taking treatment and on such occasion, the police officers, who are all serving in Kerala Border, insisted him to produce the original RC book and therefore, it would necessary for the petitioner to show the RC book before the said authority. Only because of the said reason, the petitioner has filed an application before the Courts below for returning the RC book.

7. Per contra, learned Government Advocate (Crl.side) appearing for the respondent police raised an objection stating that if the RC book is returned to the petitioner there will be a chance of selling the property by the petitioner.

8. The submissions made by the learned counsels on either side are considered.



9. In general, if any vehicle is recovered as a case property that should be produced before the Magistrate only for the purpose of marking the said vehicle as a material object. Further, the ownership of the said vehicle is to be confirmed only at the end of the trial. In the said circumstances, only after completion of the trial while at the time of pronouncing the judgment, the trial Court has passed an order in respect to the said property. Therefore, it would be necessary to keep the custody of the said vehicle till the disposal of the case. Only to avoid further complication in producing the said vehicle, the vehicles recovered in various cases were returned to the parties with the condition that the original RC book pertains to the said vehicle has to be produced.

10. As rightly pointed out by the learned Government Advocate (Crl.side) that if the order is passed for returning the original RC book, there may be a chance to the owner of the vehicle to sold out the said vehicle to others. If such things are happened, the same leads to further complication. Herein also, in view of the above situation, this Court is not inclined to pass a positive order in favour of the petitioner. If the original RC book is needed to the petitioner for the particular purpose, he has to mention the specific reason. Here it is a case, without mentioning any proper reason and only by mentioning the flimsy reason, the petitioner herein has filed an applications before the Courts below and the same has been rightly dismissed. It is for the petitioner to show the RC book Xerox copy to the police officer while crossing the said border and instead of the same, by filing the petition to return the original RC book is unnecessary and therefore, I am of the opinion that the petitioner has not projected any sufficient reason for allowing this revision.

11. However, this Court by considering the facts and circumstances of the case, directs the learned Judicial Magistrate No.I, Kuzhithurai to dispose the case in Cr.No.65 of 2021 as early as possible, preferably, within a period of four months from the date of receipt of a copy of this order.

12. With the above direction, this Criminal Revision Case is disposed of.

Sd/-

Assistant Registrar (CS III)

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/ /2021

Sub Assistant Registrar(CS)



1.The Sub-Inspector of Police,
Marthandam Police Station,
Kanyakumari District at Nagercoil.

2.The Principal Sessions Judge,
Kanyakumari District at Nagercoil.

3.The Judicial Magistrate Court No.I,
Kuzhithurai.

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

+1 CC to M/s.M.R. SREENIVASAN, Advocate (SR-33619[F] dated
02/11/2021)

**Crl.R.C. (MD) No.786 of 2021
02.11.2021**

PS (CO)
SB/PM (22.11.2021) 4P 6C