



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Criminal Revision Jurisdiction

Monday, the Thirteenth day of December Two Thousand and Twenty One
PRESENT

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The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD). No.11091 of 2021
in
CRL RC.(MD)461 OF 2021

Muthuramalingam

... Petitioner/ Petitioner

Vs

- 1 The Inspector of Police,
Peraiyur Police Station,
(Crime No.40/2019)
- 2 The Tahsildar,
Kamuthi.
- 3 The Assistant Director,
The Tamilnadu Mines and Minerals,
Ramantahpruam District.
- 4 The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.

... Respondents/Respondents

Prayer :- This petition filed under Section 482 of Criminal Procedure Code, To modify the condition of production of Original RC Book of the Vehicle bearing Reg.No. TN 39 AR 7975 in Crl.R.C. (MD) No. 461 of 2020 dt. 20.08.2020 and pass such other or further orders as this Hon`ble Court.

Prayer in CRL RC(MD). 461/ 2020 :

Petition filed u/s-21(1) of Mines and Minerals (Regulation and Development act)- to modify the condition No.2, imposed in the order passed in Crl.MP.No.2786/2019 dt 21.11.2019 passed by the learned Principal Sessions Judge, Ramanthapuram to the effect that the petitioner shall deposit a sum of Rs.1,00,000/- to the credit of Crime No.40 of 2019 concerning Crl.M.P.No.2786 of 2019 on the file of the learned Principal Sessions Judge, Ramanathapuram by allow the Criminal Revision petition.

ORDER:- This 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 Thiru. A.Anandaraj, Advocate for the Petitioner and of Thiru. M.Asha, Government Advocate for the Respondents, the Court made the following order:

<https://hcservices.mca.gov.in/hcservices/>



This petition has been filed to modify the condition of production of original RC book of the vehicle bearing Registration No.TN-39-AR-7975 imposed by this Court in Crl.R.C(MD)No.461 of 2020, dated 20.08.2020.

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2.A vehicle bearing Registration No.TN-39-AR-7975 was seized by the respondent police. The petitioner claiming himself as the owner of the vehicle filed a petition in Crl.M.P.(MD)No.2786 of 2019 before the Principal Sessions Judge, Ramanathapuram and the same was allowed on 21.11.2019 on certain conditions. Against the condition No.2, the petitioner has filed a petition in Crl.R.C.(MD) No.461 of 2021 before this Court and the same was partly allowed. Now the petitioner filed the present petition for modifying the condition No.5 imposed by the trial Court.

3.On the side of the revision petitioner, it is stated that the earlier petition was filed without including the prayer for exemption from production of original RC book of the vehicle and a modification to that effect is to be granted to the petitioner. Since the vehicle was hypothecated, the petitioner is not in a position to deposit the original RC book and prayed the condition to be modified.

4.On the side of the respondent, it is stated that totally four vehicles were involved in the offence, in which, one JCB and one Tipper Lorry were seized by the respondent police and two Tipper Lorries were yet to be recovered. If the RC book is not deposited, there is a possibility for the vehicle to be hypothecated or alienated. It is further stated that there is a previous case against the petitioner in Crime No.261 of 2018 before the Kamuthi Police Station and prayed the petition to be dismissed.

5.A perusal of the records reveals that the petitioner has not sought for any prayer regarding condition No.5 imposed by the trial Court and the criminal revision case has been filed only against condition No.2 and not against any other conditions. Now the petitioner wants to add another prayer by way of filing the present petition for modification of a prayer which was not at all sought for in the original criminal revision petition. The petitioner is not having any *locus standi* to file such a petition for modification of an order in a criminal revision petition when no such prayer was sought for in the original criminal revision case. There is no chance for modifying a condition at this stage. Moreover to make sure the production of the vehicle before the Court at the time of trial and at the time of confiscation, the condition imposed by the trial Court is reasonable. The petitioner failed to implead the financier in the original petition before the trial Court and in the criminal revision case.



6.For the above reasons, it is decided that there is no merit in this case and this petition is dismissed.

Sd/-

Assistant Registrar (CS I)

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/ /2022

Sub Assistant Registrar(CS)

sjj

TO

1. The Principal Sessions Judge,
Ramantahpruam.
2. The Inspector of Police,
Peraiyur Police Station.
3. The Tahsildar, Kamuthi.
4. The Assistant Director,
The Tamilnadu Mines and Minerals,
Ramantahpruam District.
5. The Revenue Divisional Officer,
Paramakudi , Ramanathapuram District.
6. The Additionl Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER DATED : 13/12/2021

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ORDER

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CRL MP(MD) . No.11091 of 2021
in

CRL RC.(MD)461 OF 2021

Giving direction and etc.
as stated within.

PS (CO)

SB(06.01.2022) 3P 7C