



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 03.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. RC(MD)No.887 of 2021

Dharmaraj

.. Petitioner/Petitioner

Vs.

The Inspector of Police,
Puthanatham Police Station,
Trichy District.
Crime No.241/2021

.. Respondent/Respondent

Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the records relating to the order passed by the Principal District and Sessions Judge, Tiruchirappalli in Crl.MP.No.3670/2021 dated 15.09.2021 to set aside and modify the condition no.6.

For Petitioner : Mr.C.Susi Kumar

For Respondent : Mrs.K.Asha

Government Advocate

ORDER

This petition has been filed to set aside the order passed in Crl.MP.No.3670/2021 dated 15.09.2021, on the file of the Principal District and Sessions Court, Tiruchirappalli, in respect of condition no. 6 alone.

2.A lorry bearing Registration No.TN 46 J 1498 was seized by the respondent police in Crime No.241 of 2021 for the offence punishable under Sections 279, 337 and 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act. Subsequently, the petitioner claiming himself as the owner of the lorry, has approached the Principal District and Sessions Court, Tiruchirappalli, by filing a petition for release of the vehicle and the learned Judge allowed the petition in Crl.M.P.No.3670/2021 on 15.09.2021, by imposing certain conditions. Challenging the condition no.6, ie., "the petitioner shall produce all the documents of ownership and surrender the original RC book before the concerned Judicial Magistrate", the petitioner is before this Court with this revision case.

3.On the side of the petitioner, it is stated that the original RC book is with a Finance Company and hence, the petitioner is not able to deposit the same before the Court. It is stated that



this Court in Crl.RC(MD)No.779/2021 dated 15.11.2021 has passed an order for depositing a xerox copy of the RC book and prayed for similar view to be taken in this case.

4. On the side of the respondent, it is stated that the petitioner has not disclosed that the RC book of the vehicle was deposited before a Finance Company in the original petition. The petitioner has not chosen to implead the Finance Company as a respondent. The petitioner is having two previous cases of similar nature. The condition imposed by the Trial Court is reasonable and prayed the petition to be dismissed.

5. A verification of the records reveals that the petitioner has not impleaded the Finance Company as a respondent in the original petition filed by him. The petitioner has not chosen to implead the Finance Company as respondent no.2 in this petition also. Deposit of RC book before the Finance Company is not proved by the petitioner. A perusal of the order cited by the petitioner reveals that no such order to deposit a xerox copy of the RC book was passed by this Court in Crl.RC(MD)No.779/2021 dated 15.11.2021. In the cited order, this Court has ordered the petitioner to deposit the original RC book. The reasons stated by the petitioner are not satisfactory. There is no necessity to interfere with the orders passed by the Trial Court. Hence, this Criminal Revision Petition is dismissed.

Sd/-

Assistant Registrar (CS-I)

// True 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 Principal District and Sessions Judge,
Tiruchirappalli
2. The Inspector of Police,
Puthanatham Police Station,
Trichy District.



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

CrI. R.C. (MD) No.887 of 2021
03.12.2021

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