



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.895 of 2021

C.Kamalakannan

.. Petitioner

Vs.

State through
The Inspector of Police,
Manapparai Police Station,
Trichy District.
Crime No.796/2021

.. Respondent

Prayer : This Revision Case is filed under Section 397 r/w. Section 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.M.P.No.4709/2021, dated 01.11.2021 and to set aside the 6th condition to surrender the original R.C. Book before the concerned Judicial Magistrate and to permit the petitioner to produce the photo copy of the R.C. Book before the concerned Judicial Magistrate.

For Petitioner : Mr.C.Susikumar

For Respondent : Mrs.M.Aasha
Government Advocate

ORDER

This Revision has been filed to call for the records relating to the order passed by the Principal District and Sessions Judge, Tiruchirappalli, in Crl.M.P.No.4709 of 2021, dated 01.11.2021 and to set aside the 6th condition to surrender the original R.C. Book before the concerned Judicial Magistrate and to permit the petitioner to produce the photo copy of the R.C. Book before the concerned Judicial Magistrate.

2. A vehicle, viz., JCB, bearing Registration No.TN28-AD-5323 was seized by the respondent police, in Crime No.796 of 2021, under Section 379 of I.P.C and Section 21(1) of Mines and Minerals (Development and Regulation) Act. The petitioner claiming himself as the owner of the vehicle filed a petition in Crl.M.P.No.4709 of 2021 before the Principal District and Sessions Judge,



Tiruchirappalli, for temporary return of the vehicle. That petition was allowed, on 01.11.2021, with certain conditions. The petitioner has preferred this Revision against the condition No.6.

3. On the side of the petitioner, it is stated that the trial Court has ordered to surrender the original R.C. Book before the concerned Judicial Magistrate. The R.C. Book of the vehicle is with the Finance Company and the petitioner is not able to produce the same before the Magistrate. It is stated that from 05.06.2021 onwards, the vehicle is kept in the open place and the value of the vehicle will be deteriorated day by day due to climatic conditions. It is further stated that this Court has passed similar order in Cr. R.C.(MD)No.779 of 2021 and prayed the condition to be set aside.

4. On the side of the prosecution, it is stated that totally three vehicles were involved in the offence, ie. A tipper lorry, a JCB and a two wheeler. The petitioner herein is the third accused. The vehicle - JCB is in the name of one Govindaraj and not in the name of the petitioner. The alleged Finance Company- Vetrivel Motor Finance Company is not impleaded as a respondent in the petition. To ensure the production of the vehicle at the time of trial and at the time of confiscation, the condition imposed by the trial Court is reasonable and prayed the petition to be dismissed.

5. A perusal of the copy of the R.C. book reveals that the vehicle is not in the name of the petitioner. The petitioner has failed to implead the owner mentioned in the R.C. book as a respondent and he failed to implead the Finance Company also. The ownership of the vehicle itself is doubtful. A perusal of the order in Crl.R.C.(MD)No.779 of 2021, reveals that this Court has not passed any such order against the deposit of R.C. Book. To ensure the production of the vehicle at the time of trial and at the time of confiscation, the condition imposed by the Trial Court is reasonable. There is nothing sufficient enough to interfere in the orders of the trial Court. Hence, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar (CS-II)

// 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 Judicial Magistrate, Manapparai, Tiruchirappalli.

3.The Inspector of Police,
Manapparai Police Station,
Trichy District.

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

Crl. R.C.(MD)No.895 of 2021
06.12.2021

RD(16.12.2021) 3P 5C