



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.903 of 2021

V.Palaniyandi

.. Petitioner / Petitioner

Vs.

State rep. by
The Inspector of Police,
Valanadu Police Station,
Trichy District.
Crime No.309/2020

.. Respondent / Complainant

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 Sessions Judge, Trichy, in Crl.M.P.No.5103/2021, dated 16.11.2021 and consequently, direct the Principal Sessions Judge, Trichy, to return back the petitioner's original Registration Certificate for the vehicle with bearing Registration No.TN-48-R-9939 by allowing this revision.

For Petitioner : Mr.A.Azhageson

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 Sessions Judge, Trichy, in Crl.M.P.No.5103 of 2021, dated 16.11.2021 and consequently, to direct the Principal Sessions Judge, Trichy, to return back the petitioner's original Registration Certificate for the vehicle with bearing Registration No.TN-48-R-9939.

2. A vehicle, viz., tipper lorry, bearing Registration No.TN-48-R-9939 was seized by the respondent police, in Crime No.309 of 2020, 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.2294 of 2020, for temporary return of the vehicle. That petition was allowed, with certain conditions. The petitioner



filed a petition to relax the condition in Crl.M.P.No.5103 of 2021, before the Principal Sessions Judge, Trichy. That petition was dismissed by the Principal Sessions Judge, Trichy. Against the same, the petitioner has preferred this Revision.

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 Magistrate Court and the condition to deposit the original R.C. Book is onerous. The R.C. Book of the vehicle is to be handed over for getting finance, insurance renewal and for fitness certificate. It is further stated that from 09.06.2020 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 and prayed the condition to be relaxed.

4. On the side of the prosecution, it is stated that the vehicle was seized with 2 ½ units of river sand. No reason was stated in the petition. If the R.C. Book is returned to the petitioner, there is a possibility for hypothecating the vehicle or for alienating the vehicle. To ensure the production of the vehicle at the time of trial and at the time of confiscation, the R.C. Book is to be detained by the Court and the condition imposed by the trial Court is reasonable and prayed the petition to be dismissed.

5. One of the reason for the petitioner seeking return the R.C. Book is to get financial help. The vehicle was returned to the petitioner only on condition that he should not alienate the vehicle or encumber the vehicle and hence, the reason stated by the revision petitioner is not sustainable. 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. In the above circumstances, the reasons stated by the petitioner is not satisfactory. Hence, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

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 Sessions Judge,
Trichy,

2.The Inspector of Police,
Valanadu Police Station,
Trichy District.

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

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