



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.R.C.No.395 of 2022

Jayapal

... Petitioner/Petitioner

versus

State by

Inspector of Police,
Elagiri Police Station,
Thirupathur District.
(Crime No.90 of 2021)

... Respondent/Respondent

PRAYER: Criminal Revision Petition has been filed under Sections 397 & 401 of the Code of Criminal Procedure, praying to set aside the order in C.M.P.No.8857 of 2021 in C.C.No.217 of 2021 of the learned Judicial Magistrate No.III, Thirupattur, dated 06.12.2021 and consequently, to direct the respondent to release the vehicle Mahindra Scorpio White Colour Car bearing temporary Registration No.TN-24-AE-4888, Engine Number is SJE 4J11817 and the Chassis Number is MAITA 2 SJXE2J18385 to the petitioner.

For Petitioner : Mr.K.Thiruvengadam

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

O R D E R

The present Criminal Revision Case has been filed praying to set aside the order dated 06.12.2021 passed in C.M.P.No.8857 of 2021 in C.C.No.217 of 2021 on the file of the learned Judicial Magistrate No.III, Thirupattur, and to direct the respondent to release the vehicle viz. Mahindra Scorpio White Colour Car bearing temporary Registration No.TN-24-AE-4888 to the petitioner.

2. The revision petitioner herein is the third party and also he is the owner of the above said vehicle. The respondent police in connection with Crime No.90 of 2021 recovered the said vehicle and produced before the trial Court.



The trial Court after assigning C.P.No.132 of 2021 received the said vehicle and kept in their custody. In the said situation, the petitioner herein filed a petition before the learned Judicial Magistrate No.III, Tirupattur, under Section 451 Cr.P.C. wherein he prayed to give the petition mentioned vehicle for interim custody.

3. The learned Judicial Magistrate No.III, Tirupattur, by order dated 06.12.2021 in C.M.P.No.8857 of 2021 dismissed the said petition as the vehicle has not been permanently registered with the Regional Transport Office. Challenging the same, the petitioner is before this Court with the present Criminal Revision Case.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police.

5. The learned counsel appearing for the petitioner would contend that after purchasing the petition mentioned vehicle, the petitioner handed over the same to his son-in-law, shifted his business along with his family to Andaman and therefore, he has not registered the said vehicle permanently in Tamil Nadu. However, he is ready to register the said vehicle by paying the penalty by following the Motor Vehicles Rules. Therefore, being the reason that the petitioner is the owner of the petition mentioned vehicle, it would appropriate to direct the learned Judicial Magistrate No.III, Tirupattur, to hand over the vehicle to the petitioner to enable him to produce the same before the Regional Transport Office for registration.

6. The learned Government Advocate (Crl. Side) appearing for the respondent police raised objection stating that the petition mentioned vehicle has not been registered permanently and also the same has been used for the past 5 years for committing the illegal acts. Hence, if the property is returned to the petitioner, he may try to sold out the same and therefore, it would necessary to confirm the order dated 06.12.2021 passed by the learned Judicial Magistrate No.III, Tirupattur.

7. Submissions made by the learned counsel appearing on either side are considered.

8. Admittedly, the revision petitioner is not arrayed as an accused. Further, the alleged vehicle which was recovered in this crime number has not been registered permanently. Therefore, plying the vehicle in the road itself is an offence, in view of the Motor Vehicles Rules. Therefore, it would necessary to register the said vehicle by following the



Motor Vehicles Act. If the prayer sought for by the petitioner is answered as negative, the petitioner loses the opportunity to register the said vehicle. Therefore, it would be necessary to pass an appropriate order for registering the vehicle and also for further necessary proceedings.

9. Accordingly, the learned Judicial Magistrate No.III, Tirupattur, is directed to return the Mahindra Scorpio White Colour Car bearing temporary Registration No.TN-24-AE-4888, to the petitioner, on the following conditions;

(a) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety, for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Tirupattur;

(b) After receipt of the said vehicle, the petitioner is directed to make arrangements for registering the vehicle by following the procedure laid down in the Motor Vehicles Act;

(c) The petitioner is further directed to complete the said process within a period of three weeks from the date of receipt of the vehicle and after completing the registration formalities, he is again directed to produce the said vehicle to the learned Judicial Magistrate No.III, Tirupattur and thereafter, he is at liberty to file an application under Section 451 Cr.P.C. for return of interim custody of the vehicle.

10. Resultantly, this Criminal Revision Case is ordered.

Sd/-
Assistant Registrar(Digits)

//True Copy//

Sub Assistant Registrar

sri

To

1. The Judicial Magistrate No.III,
Thirupattur.
2. The Inspector of Police,
Elagiri Police Station,
Thirupathur District.



3. The Public Prosecutor,
High Court, Madras.

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+1cc to Mr.Thiruvengadam, Advocate, S.R.No.20848

Cr1.R.C.No.395 of 2022

MG (CO)
SU (05/04/2022)