



Crl.MP.No.4687 of 2022

in

Crl.RC.No.1018 of 2021

WEB COPY

R.PONGIAPPAN, J.

The present criminal miscellaneous petition has been filed to modify the condition No.6(c) imposed on the petitioner in Crl.RC.No.1018 of 2021 dated 02.02.2022 and to direct the learned Judicial Magistrate, Tiruchengode to return the original RC book to the petitioner.

2. The case of the petitioner is that he is the owner of the lorry bearing registration No.TN 52 F 9987, in connection with crime No.436 of 2021 on the file of the Tiruchengode Police Station. The said vehicle was seized by the respondent police. The respondent police recovered the vehicle and the same has been produced before the learned Magistrate. Later, in view of the order dated 02.02.2022 passed by this Court in Crl.RC.No.1018 of 2021, the learned Judicial Magistrate, Tiruchengode is directed to return the petition mentioned lorry to the petitioner for interim custody subject to some conditions, in which condition No.6(c) reads as follows:

“6(c) The RC book of the vehicle shall be retained



by the trial court till the disposal of the trial or until further orders.”

WEB COPY

3. Later, after complying all the conditions, particularly after producing the original RC book before the learned Judicial Magistrate, the petitioner took the lorry for interim custody. Only thereafter, he approached this Court by filing this miscellaneous petition, wherein he prayed to return the original RC book.

4. The learned counsel appearing for the petitioner would submit that the petition mentioned lorry is having national permit and flying all over India. Therefore, it would be necessary to keep the original RC book with the driver of the vehicle and also the driver is having the duty to show the same before the inspecting authority whenever required. Therefore, it would necessary to return the original RC book to the petitioner permanently.

5. The learned Government Advocate appearing for the respondent police vehemently opposed his contention stating that if the RC book is permanently retained by the petitioner, there may be a chance to sell the petition mentioned lorry to others and also he may attempt to tamper the witnesses. His specific submission is that if the RC book is returned to the petitioner, he may



evade in producing the vehicle before the court at the time of trial.

6. Submissions made by the counsels appearing on either side are considered.

7. Of course it is true, being national permit lorry, it is for the driver to show the RC book to the inspecting authority. However, the sole reason stated by the petitioner cannot be taken into account since the lorry has been seized by the police in connection with prohibition offence. In this connection, it is the submission of the learned counsel for the petitioner that since the owner of the lorry wanted to renew the permit, it would necessary to produce the original RC book before the RTO and for this purpose only, the RC book may be handed over to the petitioner for a period of two weeks alone. In this regard, the learned Government Advocate did not raise any objection.

8. In view of the above, now the reason stated by the petitioner's counsel has satisfied this Court that RC book is necessary for renewing the permit. Hence, this court is inclined to allow this petition.

9. Accordingly, the condition No.6(c) imposed on the petitioner in



Crl.RC.No.1018 of 2021 dated 02.02.2022 by this Court is modified and the learned Judicial Magistrate, Tiruchengode is directed to return the original RC book to the petitioner only for a period of two weeks. After renewing the permit, the petitioner shall hand over the original RC book to the trial court.

10. In the result, this criminal miscellaneous petition stands allowed.

07.04.2022

lok



WEB COPY



R.PONGIAPPAN, J.



WEB COPY



lok

Crl.MP.No.4687 of 2022
in Crl.RC.No.1018 of 2021

07.04.2022