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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2022

CORAM

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

CRL.R.C.NO.448 OF 2022

K.R.Subash

... Petitioner/Defacto complainant
/owner of the vehicle

Vs.

State Rep. By
The Sub Inspector of Police,
Thadagam Police Station,
Coimbatore District.
(Cr.No.357/2021)

... Respondent

Prayer: Criminal Revision Case filed under Section 397 and 401 of the Code of Criminal Procedure, to call for the records and set aside the order dated 10.01.2022 passed in C.M.P.No.29151 of 2021 on the file of the learned Judicial Magistrate-I, Coimbatore.

For Revision Petitioner : Mr.T.Muruganantham

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

O R D E R

Challenging the order passed in CMP No.29151 of 2021 dated 10.01.2022 on the file of the learned Judicial Magistrate-I, Coimbatore, the petitioner/defacto complainant has filed this Criminal Revision Case.

2. The case of the revision petitioner is that he is the owner of the vehicle/car viz., MAHINDRA XUV 500 bearing Registration No.TN38-BW-2526, which is seized by the respondent police in connection with Crime No.357 of 2021, on the file of the Thadagam Police Station, Coimbatore.



3. Later the petitioner filed an application before the learned Judicial Magistrate-I, Coimbatore, under Section 451 r/w 457 of Cr.P.C., praying to handover the vehicle for interim custody. While such time, when the learned Judicial Magistrate, asked about the registration certificate of the vehicle, the petitioner has not produced the same. Therefore, in view of the fact that the R.C. Book has not been produced, the learned Judicial Magistrate-I, Coimbatore dismissed the application filed by the petitioner, against which the petitioner is before this Court with this Criminal Revision Case.

4. Heard Mr.T.Murganantham, learned counsel appearing for the revision petitioner and Mr.Leonard Arul Joseph Selvam, learned Government Advocate (Crl. Side), appearing on behalf of the State.

5. Now, on going through the impugned order passed by the learned Judicial Magistrate-I, Coimbatore, only for the reason that the petitioner has not shown the ownership by producing the R.C. Book, the petition has been dismissed. Of course, the registration certificate is the only document to show who is the owner of the vehicle. Being the reason that the petitioner is the owner of the vehicle, it is very easy for him to produce the R.C. Book before the Court. But for the reasons best known to him, he has not produced the said document.

6. Further, the certificate issued by the Assistant Registering authority, is not a sufficient document under the Motor Vehicles Act to prove the ownership of the vehicle. If the original RC book is misplaced, it is for the petitioner to file a petition before the registering authority and obtain a duplicate R.C. Book. Without doing anything, the petitioner now wanted interim custody of the petition mentioned vehicle and the same has been negated by the learned Judicial Magistrate-I, Coimbatore.

7. Therefore, this Court is of the view that the order passed by the learned Judicial Magistrate-I, Coimbatore is well within the law and there is no perversity in it. Accordingly, the Criminal Revision Case in Crl.R.C.No.448 of 2022, is dismissed.

Sd/-
Assistant Registrar(L.A)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate-I,
Coimbatore.
2. The Sub Inspector of Police,
Thadagam Police Station,
Coimbatore District.
3. The Public Prosecutor,
High Court, Madras.

Cr1.R.C.No.448 of 2022

JP-II (CO)
RLP (25/04/2022)