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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2022

CORAM

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.RC.No.510 of 2022

Prasanth

...Petitioner

Vs.

State Rep. by
The Inspector of Police,
Pallikonda Police Station,
Vellore District

...Respondent

PRAYER: Criminal Revision Case filed under Section 397 r/w 401 of Cr.P.C. to set aside the order passed by the learned Judicial Magistrate No.V, Vellore in Crl.MP.No.1674 of 2022 dated 17.03.2022 and to return the original RC Book of the vehicle Eicher BRO 3012 H Cap Hsd BS3 bearing Registration No.TN 86 B 6481 to the petitioner.

For Petitioner : M/s.S.Sengkodi

For Respondent : Mr.Leonard Arul Joseph Selvam,
Government Advocate(crl.side)

ORDER

The present criminal revision has been filed praying to call for the records in Crl.MP.No.1674 of 2022 in Cr.No.210 of 2021 on the file of the learned Judicial Magistrate No.V, Vellore dated 17.03.2022 and to set aside the same by directing the trial court to return the original RC book pertains to the vehicle bearing registration No.TN 86 B 6481 to the petitioner.

2. The case of the petitioner is that he is the owner of the vehicle bearing registration No.TN 86 B 6481. The said vehicle was recovered by the respondent police in connection with crime No.210 of 2021, and the same has been registered for the offence punishable under Sections 7(5), 20(2) of Cigarettes and Other Tobacco Products Act, 2003 r/w Section 328 of IPC. After recovering the vehicle, the same has been



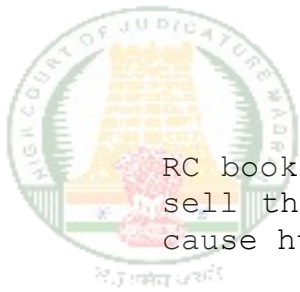
produced before the trial court and later, on the application filed by the petitioner, the said vehicle was returned to the petitioner for interim custody. After the receipt of petition mentioned vehicle for interim custody, the petitioner filed one another petition in CrI.MP.No.1674 of 2022, wherein he prayed to return the RC book which is in the custody of the learned Judicial Magistrate. The said application filed by the petitioner was allowed by the learned Judicial Magistrate No.V, Vellore in respect to return the RC book for a period of one month for renewal of RC book . However, in respect to return the RC book permanently, the learned Judicial Magistrate dismissed the same by saying that the petition mentioned vehicle was recovered by the respondent police in connection with the above referred case which is to be triable by the Sessions Court. Aggrieved over the same, the petitioner is before this Court.

3. The learned counsel appearing for the petitioner would submit that while at the time the petitioner was driving the petition mentioned vehicle in a public road, in usual the police authorities wanted to check the ownership of the vehicle and therefore it would necessary for the petitioner to show the original RC book. Accordingly, she prays to allow this criminal revision by directing the learned Judicial Magistrate No.V, Vellore to hand over the RC book.

4. Per contra, the learned Government Advocate(crl.side) appearing for the respondent police raised objection stating that if the petition mentioned RC book was returned to the petitioner, there may be a chance to sell the vehicle and ultimately, it is incumbent upon the prosecution to produce the vehicle before the trial court at the time of trial.

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

6. It is not in dispute while at the time of ordering the petition filed under Section 451 of Cr.P.C., the learned Judicial Magistrate returned the petition mentioned vehicle to the petitioner with the condition that the petitioner should produce original RC book before the court till the disposal of case. Only on that score, the petitioner has produced the original RC book before the learned Judicial Magistrate and the same is under the custody of the court. In otherwise, if the police authorities wanted to check the ownership of the vehicle, it is for the petitioner to show the copy of the RC book by mentioning the reason that the same is in the custody of the court. Of course, if the petition mentioned



RC book was returned to the petitioner, there may be a chance to sell the vehicle to some other person and if so, the same would cause hurdle to the trial.

7. Therefore, considering the facts and circumstances of the case, this Court is not inclined to allow this petition. Accordingly, this criminal revision petition is dismissed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Judicial Magistrate No.V,
Vellore

2.The Inspector of Police,
Pallikonda Police Station,
Vellore District

3. The Public Prosecutor,
High Court, Madras

Cr1.RC.No.510 of 2022

MT (CO)
SP (06/05/2022)