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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.05.2022

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THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL.R.C.NO.660 OF 2022

Arulkumar

... Petitioner/Owner
of the Vehicle

.Vs.

The State: Rep. by
The Inspector of Police,
Thirukkannapuram Police Station,
Nagapattinam District.

... Respondent/Complainant

PRAYER:-

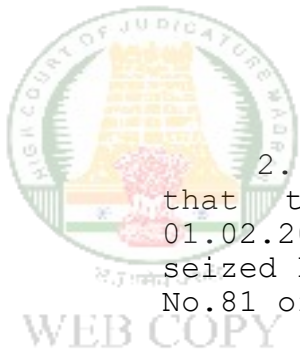
Criminal Revision Case filed under Section 397 r/w 401 of Cr.P.C., to call for the records and set aside the order passed in CrI.M.P.No.870 of 2022 on the file of the Principal District and Sessions Judge, Nagapattinam in Cr.No.81 of 2022 on the file of the respondent dated 13.04.2022 and direct the respondent to release the JCB Model 3DX PLUS-2WD bearing temporary registration No.T0222TN9698A and Chasis No.RAJ3DXS4H03122803 and to allow this criminal revision petition.

For Petitioner : Mr.J.Jawahar

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

ORDER

This revision is filed as against the order of the learned Principal District and Sessions Judge, Nagapattinam in CrI.M.P.No.870 of 2022 dated 13.04.2022, thereby rejecting the prayer of the petitioner for return of the vehicle, namely JCB having temporary registration mark No.T0222TN9698A and Chasis No.RAJ3DXS4H03122803.



2. It is contended by the learned counsel for the petitioner that the petitioner purchased the said vehicle only on 01.02.2022 and even before it could be registered, the same was seized by the respondent having involved in the offence in crime No.81 of 2022.

3. On instruction, the learned Government Advocate (Crl. Side) appearing for the respondent would submit that there is no previous case as against the petitioner. However, the fact remains that the petitioner did not even register the vehicle within the time period of 30 days.

4. Considering the facts and circumstances of the case and the fact that there is no other previous case and the nature of offence in the present case, I am inclined to dispose of the criminal revision on the following terms:

i) The petitioner shall make an application for registration in the due form along with requisite affidavit and documents before the appropriate Regional Transport Office (RTO), within a period of ten days from the date of receipt of copy of this order.

ii) The concerned RTO office shall process the application for registration of the vehicle in accordance with law and for that purpose, if the presence of the vehicle is necessary, the respondent police with the permission of the learned Magistrate, shall produce the vehicle before the concerned RTO and the process of registration shall be completed in accordance with law after collecting the penalty amount in accordance with the Rules.

iii) After registration of the vehicle, the petitioner shall execute a bond for a sum of Rs.50,000/- with two sureties for a like sum to the satisfaction of the learned Magistrate concerned and the vehicle shall be returned to the petitioner, on condition that he will not tamper the condition of the vehicle or alienate the vehicle and shall produce the same as and when required before the learned Magistrate or the Investigating Officer whenever the same is required for investigation or for the case.

iv) After registration, the original registration certificate (RC Book) shall be surrendered before the trial court and the same shall be retained by the Trial Court till the



disposal of the trial or until further orders from this Court.

5. With the above directions, this Criminal Revision Case is disposed of.

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Sd/-
Vacation Officer

//True Copy//

Sub Assistant Registrar

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To

1. The learned Principal District and Sessions Judge,
Nagapattinam.
2. The Inspector of Police,
Thirukkannapuram Police Station,
Nagapattinam District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.J.Jawahar, Advocate, S.R.No.31796

CRL.R.C.NO.660 OF 2022

SR(CO)
PBS/30/05/2022