



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 28.01.2022
CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA
Crl.RC.No.1128 of 2021

Jayaraman

... Petitioner/ Petitioner /Owner of the
Vehicle

Vs.

The state Rep by its
Inspector of Police,

Tiruvarur Town Police Station,

Tiruvarur District. ... Respondent/ Respondent/Complainant

PRAYER: Criminal Revision is filed under Sections 397
r/w.401 of Criminal Procedure Code to set aside the order
dated 21.10.2021 made in Crl.MP.No.1200 of 2021 on the file of
the Principal Sessions Judge, Tiruvarur.

For Petitioner : M/s.Priyanka

for R.Jayaprakash

For Respondent : Mr.S.Sugendran, GA (Crl.side)

ORDER

(The case has been heard through video conference)

This revision has been filed against the order dated
21.10.2021 made in Crl.MP.No.1200 of 2021 passed by the
Principal Sessions Judge, Tiruvarur cancelling the order of
interim custody of the vehicle granted infavour of the
petitioner and direct its seizure.

2. The learned counsel for the petitioner would submit
that the petitioner is the owner of the Ashok Leyland Tipper
lorry bearing Registration No.TN49 BT 2601, the vehicle was
seized by the respondent in connection with Cr.No.306 of 2019
registered by the respondent for the offence under Section 379
IPC and under Section 21(1) of the Mines and Mineral
(Development and Regulation) Act, 1957. The petitioner had
filed Crl.MP.No.1946 of 2019 before the Principal Sessions
Judge, Thiruvarur and the learned judge by an order dated
01.11.2019 granted interim custody of the vehicle and the
Court had directed the petitioner to give an undertaking
before the Judicial Magistrate, Thiruvarur that he will not
sell the vehicle and produce the same as and when required and
the Court had also directed the petitioner to produce the
original RC book before the Judicial Magistrate, Tiruvarur and
the RC book was directed to be retained by the said Court.



3. Pursuant to the order dated 01.11.2019, the petitioner had complied with the conditions and had also produced the original RC book before the lower Court, thereafter the RC book was needed for getting fitness certificate for the vehicle. The petitioner moved an application in CrI.MP.No.1200 of 2021 for interim custody of original RC book of the vehicle and the Court by an order dated 05.10.2021 passed an order directing the petitioner to take interim custody of the RC book only for a period of fifteen days from the date of receipt of original RC book and directed the petitioner to return the same to the concerned Judicial Magistrate, Tiruvarur at once. The Court had also directed that in the event of the failure of the petitioner to return the original RC book, the earlier order of interim custody of the vehicle granted in favour of the petitioner shall stand cancelled without further proceedings and directed to list the matter on 21.10.2021.

4. The learned counsel would submit, in the meanwhile the petitioner after the order in CrI.MP.No.1200/2021 fell ill and the petitioner was unable to avail the benefit of the order and the petitioner had not taken the custody of the original RC book and it is still in the custody of the learned Magistrate. Due to his illness, the petitioner was also unable to inform his counsel and meanwhile, the matter had been taken up by the learned Sessions Judge on 21.10.2021 and the fact of not taking the custody of the original RC book was not informed to the Court, thereby, the learned Principal Sessions Judge, Tiruvarur holding that the petitioner had not complied with the order had automatically cancelled the earlier order of interim custody of the vehicle and had directed seizure of earlier order of interim custody of the vehicle. The petitioner would reiterate that the petitioner had not availed the benefit of order granted to him in CrI.MP.No.1200 of 2021 dated 05.10.2021. Whereas, the learned Principal Sessions Judge, Tiruvarur without conducting an enquiry with regard to the same and without giving notice to the petitioner and without verification and application of mind had cancelled the earlier order granting interim custody of the vehicle. Thereby he would seek to set aside the order dated 21.10.2021, she would further submit that the petitioner may be permitted to file a fresh application for return of RC book and she would submit that the petitioner is prepared to abide by any condition that may be imposed by the Court below.

5. The learned Government Advocate (CrI.side) would submit that though the petitioner was granted permission to take return of RC book, the petitioner has not availed the benefit of the order and still the RC book is in the custody of the Judicial Magistrate, Tiruvarur.



6. Heard the counsel and perused the materials available on record.

7. Though, the Court had passed an order on 05.10.2021, directing the petitioner to receive the interim custody of the original RC book, the petitioner has not availed the benefit of the order and the RC book is still available in the Court, whereas, without proper verification the learned Principal Sessions Judge erroneously cancelled the order of interim custody of the vehicle granted to the petitioner.

8. In the result, the criminal revision is allowed by setting aside the order dated 21.10.2021 made in CrI.MP.No.1200 of 2021 passed by the learned Principal Sessions Judge, Tiruvarur. The petitioner is at liberty to file fresh application for return of RC book and the petitioner shall strictly comply with the conditions imposed by the Sessions Judge.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Principal Sessions Judge, Tiruvarur.

2. The Inspector of Police,
Tiruvarur Town Police Station,
Tiruvarur District.

3.The Public Prosecutor, High Court, Madras.

+1 cc to Mr.R.Jayaprakash, Advocate Sr.NO. 5296
CrI.RC.No.1128 of 2021

kj (CO)

A.SK(25.02.2022)