



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.R.C.(MD) No.56 of 2022

P.Uthandan

...Petitioner/Petitioner

Vs.

The State represented by
The Inspector of Police,
Thalavaipuram Police Station,
Virudhunagar District.
(Crime No.561 of 2015)

...Respondent/Complainant

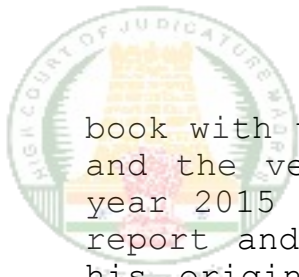
PRAYER: Criminal Revision Case filed under Section 397 and 401 Cr.P.C. praying to call for the entire records pertaining to the order passed by the learned Judicial Magistrate in Cr.M.P.No.3038 of 2020 vide its order dated 18.03.2020 and set aside the same and consequently direct the above said learned Judicial Magistrate to return the petitioner's original RC Book for JCB bearing its registration number TN 84 A 4281, kept in the custody of the above said learned Judicial Magistrate in connection with the case in Crime No.561 of 2015 on the file of respondent police, to the petitioner.

For Petitioner	:	Mr.N.Balasubramanian
For Respondent	:	Mrs.M.Aasha
		Government Advocate (Cr1. Side)

ORDER

This Criminal Revision Petition is filed challenging the order passed by the learned Judicial Magistrate in Cr.M.P.No.3038 of 2020 dated 18.03.2020 and set aside the same and consequently direct the above said learned Judicial Magistrate to return the petitioner's original RC Book for JCB bearing its registration number TN 84 A 4281, kept in the custody of the above said learned Judicial Magistrate in connection with the case in Crime No.561 of 2015 on the file of respondent police, to the petitioner.

2. The petitioner-third party is the owner of the vehicle bearing Registration No.TN 84 A 4281 involved in Crime No.561 of 2015 on the file of the respondent for the offences under Sections 379 IPC read with Section 21(1) of Mines and Minerals Act. The petitioner's vehicle was seized and deposited into the Court in P.R.No.394 of 2015. While pending the investigation, the petitioner filed a petition for return of his vehicle and the same was allowed on a condition that the petitioner shall deposit the original RC



book with the Court. Accordingly, he deposited the original RC book and the vehicle was released in his favour. The F.I.R is of the year 2015 and even till today, the respondent did not file a final report and as such, the petitioner filed a petition for return of his original RC book to obtain loan to repay some loan amounts. However, it was rejected for the reason that there is a possibility for selling the vehicle and it would cause prejudice for the trial.

3. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the investigation had already been completed and final report had been filed on 10.10.2017 before the learned Judicial Magistrate, Rajapalayam. However, it is pending for taking cognizance. Now, for the past seven (7) years, the RC book is kept in the custody of the learned Judicial Magistrate and the final report is also not taken cognizance for trial.

4. Considering the above, the order passed by the learned Judicial Magistrate, Rajapalayam in Cr.M.P.No.3038 of 2020, dated 18.03.2020, is set aside and the learned Judicial Magistrate, Rajapalayam is directed to return the original RC book on a condition that the petitioner shall execute a bond for a sum of Rs.5,00,000/- (Rupees Five Lakhs only) before the learned Judicial Magistrate, Rajapalayam and on compliance of the condition, the learned Judicial Magistrate, Rajapalayam is directed to return the original RC book and other conditions imposed while returning the vehicle shall remain intact.

5. With the above observations, this Criminal Revision Case is allowed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The Judicial Magistrate,
Rajapalayam.

2.The Inspector of Police,
Thalavaipuram Police Station,
Virudhunagar District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court.

**Cr1.R.C. (MD) No.56 of 2022
16.02.2022**

sk(CO)

TR(08.03.2022) 3P 4C