



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.2355 of 2022

WEB COPY

Vadamalai Pandian

... Petitioner/Petitioner

vs.

The State Rep. by
The Inspector of Police,
Sathankulam Police Station,
Thoothukudi District.
(In Crime No.105 of 2019)

... Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the return endorsement made in un-numbered Cr.M.P.No. Of 2021 dated 04.12.2021 on the file of the learned Judicial Magistrate, Sathankulam and consequently direct the learned Judicial Magistrate, Sathankulam to number the petition and dispose the same in accordance with law within the time frame.

For Petitioner : Mr.C.Joseph Sathianeson

For Respondent : Mr.M.Sakthi Kumar

Government Advocate (Crl. side)

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. side) appearing for the respondent.

2.The petitioner's vehicle was involved in Crime No.105 of 2019 registered on the file of the Sathankulam Police Station for the offence under Section 379 of IPC. The vehicle was seized. Later, it was returned. However, the petitioner was directed to deposit the original RC book. The petitioner complied with the said condition. Now, he wants the R.C. book for the purpose of renewing the fitness certificate. When such a petition was filed before the Court below, it was not numbered, but returned. Therefore, this Criminal Original Petition has been filed.

3.The petitioner only wants this Court to direct the learned Trial Magistrate to number the petition and dispose it of an merits and in accordance with law.

4.I am of the view that the issue raised in this petition is very limited. There is no need to remit the matter once again for this purpose. The learned Trial Magistrate is directed to return the



petitioner's original R.C. Book to the petitioner, after taking an undertaking affidavit that the same will be resubmitted after obtaining the fitness certificate. The petitioner also should give an undertaking affidavit before the learned Trial Magistrate that he will not alienate the vehicle by making use of the R.C. Book. In other words, the purpose of return is only to obtain renewal of the fitness certificate. An appropriate undertaking affidavit shall be obtained from the petitioner by the learned Trial Magistrate, Sathankulam and thereafter, the R.C. Book shall be handed over to the petitioner.

5. With a specific direction that the R.C. Book will be returned, once the purpose is effectuated, the Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

sjj

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, Sathankulam.

2. The Inspector of Police,
Sathankulam Police Station,
Thoothukudi District.

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

+1 CC to M/s.R.PONKARTHIKEYAN, Advocate (SR-4283[F] dated
04/02/2022)

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