



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2022

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C(MD)No.166 of 2022

WEB COPY

R.G.A.Blue Metals
represented by the Proprietor,
George Antony

... Petitioner/Petitioner/3rd Party

Vs.

State through
The Sub Inspector of Police,
Aralvoimozhi Police Station,
in Cr.No.260/2019,
Kanyakumari District.

... Respondent/Respondent

Prayer: This Criminal Revision Petition filed under Section 397, r/w.401 of Cr.P.C. to call for the records relating to the order passed by the Learned Principal Sessions Judge, Kanyakumari District at Nagercoil in Cr.M.P No.109 of 2022 dated 07.01.2022 set aside the same and allow this revision petition.

For Petitioner : Mr.C.Susikumar

For Respondent : Mrs.M.Aasha

Government Advocate (Criminal Side)

ORDER

This Criminal Revision Case has been filed for challenging the order passed by the learned Principal Sessions Judge, Kanyakumari District at Nagercoil in Cr.M.P No.109 of 2022 dated 07.01.2022, thereby dismissing the petition filed for return of original registration certificates of his vehicles bearing registration Nos.TN 74 AA 0469 & TN 74 AS 0600, involved in the case registered in Crime No. 260 of 2019, on the file of respondent police, for the offences under Sections 379 IPC and 21(i) of Mines and Minerals (Development and Regulation) Act 1957.

2.In this case, the investigation is still pending. While pending investigation, the vehicles were seized and ordered to return the same in favour of the petitioner. However, the original RC books were deposited in the Court custody. Therefore, the petitioner has filed this petition for return of his original RC books, on the ground that the petitioner is engaged in frequently carrying goods to Kerala and other states. Hence, the petitioner is very much in need of RC books of the alleged vehicles. The investigation is pending for the past three years.



3.The learned Government Advocate (Crl.Side) would submit that the investigation is still pending and nothing proceeded further after registration of First Information Report.

4.Considering the above, the order passed by the learned Principal Sessions Judge, Kanyakumari District at Nagercoil in Cr.M.P No.109 of 2022, dated 07.01.2022, is hereby set aside and the learned Judge is directed to return the RC books for the vehicles bearing registration Nos. Nos.TN 74 AA 0469 & TN 74 AS 0600, to the petitioner, for the period of two months, on the following conditions:

- The petitioner is directed to execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh only), with two sureties, each for a like sum, to the satisfaction of the learned Principal Sessions Judge, Kanyakumari District at Nagercoil;
- The RC books should be photographed at the cost of the petitioner herein and the same is to be signed by the petitioner.
- The petitioner shall not mortgage or deposit the vehicles till the period of interim custody; and
- The petitioner shall surrender the original RC books of the vehicles, **on or before 28.04.2022**, before the concerned court;
- If any of the conditions are violated, this order automatically stands cancelled.

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

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

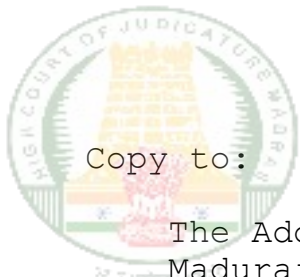
PNM

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 Principal Sessions Judge,
Kanyakumari District at Nagercoil

2.The Sub Inspector of Police,
<https://hcservices.ecourts.gov.in/hcservices/>
Aralvoimozhi Police Station,
Kanyakumari District.



CrI.R.C(MD)No.166 of 2022

Copy to:

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

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Cr1.R.C(MD)No.166 of 2022

23.02.2022

MGJ(09.03.2022) 3P 4C