



Crl.R.C.(MD) No.696 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.696 of 2022

Selva Subin

... Petitioner/Petitioner

Vs.

The Inspector of Police,
Thuckalay Police Station,
Rep. by the Public Prosecutor,
Kanyakumari District at Nagercoil.
Crime No.102 of 2020

...Respondent/Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records in Crl.M.P.No.1948 of 2022 on the file of the learned Principal Sessions Court, Kanyakumari District at Nagercoil, dated 11.04.2022 and to set aside the same.

For Petitioner : Mr.G.Cenil

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl. side)



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ORDER

This Criminal Revision Petition is directed against the order passed in Crl.M.P.No.1948 of 2022, dated 11.04.2022, on the file of the learned Principal Sessions Court, Kanyakumari District at Nagercoil, dismissing the application filed for returning of the original R.C. book of the vehicle bearing Registration No.TN-72-AX-6696.

2.It is not in dispute that the petitioner has filed an application in C.M.P.No. 2453 of 2020 under Section 451 of Cr.P.C. seeking orders to return the Tipper Tempo bearing Registration No.TN-72-AX-6696 for interim custody and the learned Principal District and Sessions Judge, Kanyakumari District at Nagercoil has passed an order, dated 08.07.2020 granting interim custody by imposing certain conditions, which includes the condition that the petitioner has to deposit the original R.C. book of the vehicle before the learned Judicial Magistrate No.I, Padmanabhapuram. It is also not in dispute that subsequently, the petitioner has filed the above application in Crl.M.P.No.1948 of 2022 alleging that the petitioner has already produced the original R.C. book before the learned Judicial



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Magistrate No.I, Padmanabhapuram in pursuance of the order passed in Crl.M.P.No.4600 of 2021, dated 26.10.2021 on the file of the learned Principal Sessions Judge, Kanyakumari District at Nagercoil in connection with Crime No.635 of 2021 of Thuckalay Police Station and that therefore, he prayed for returning of the original R.C. book.

3.The learned Principal Sessions Judge by observing that the petitioner has suppressed the pendency of the earlier case and the earlier order and that if the R.C. book is ordered to be returned, the same vehicle may be involved in the same type of crime in future, dismissed the petition. Aggrieved by the said dismissal, the petitioner has come forward to the present revision.

4.The learned counsel for the petitioner submitted that the petitioner had no intention to suppress the factum of the earlier case and that the petitioner has produced the original R.C. book only as per the directions of the learned Principal Sessions Judge, in the order passed in Crl.M.P.No.4600 of 2021, dated 26.10.2021.



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5.The learned Government Advocate (Crl. side) would submit that since the R.C. book is not in the custody of the petitioner, he is not in a position to produce the sureties.

6.Considering the above facts and circumstances of the case and also the fact that if the vehicle is kept in open place exposing to sun and rain, the value of the vehicle will be deteriorated and no purpose will be served in keeping the vehicle in custody and that since the R.C. book is not in the custody of the petitioner, he is not in a position to produce the sureties, this Court is inclined to allow the revision and thereby setting aside the impugned order dated 11.04.2022 passed in Crl.M.P.No.1948 of 2022, by the learned Principal Sessions Court, Kanyakumari District at Nagercoil.

7.Accordingly, this Criminal Revision Petition is allowed and the order dated 11.04.2022 in Crl.M.P.No.1948 of 2022 on the file of the learned Principal Sessions Court, Kanyakumari District at Nagercoil, is hereby set aside and the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the District Mineral Foundation Trust, Kanyakumari District and



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further, the petitioner shall produce the certified copy of R.C. book of the vehicle instead of original R.C. book before the learned Principal Sessions Court, Kanyakumari District at Nagercoil and the learned Sessions Judge is directed to retain the original R.C. book till the disposal of both the cases. In respect of other conditions, the order of the learned Principal Sessions Court, Kanyakumari District at Nagercoil, shall remain unaltered.

17.08.2022

Index : Yes/No
Internet : Yes/No
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To:-

- 1.The Principal Sessions Court, Kanyakumari District at Nagercoil.
- 2.The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District at Nagercoil.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

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**ORDER MADE IN
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