



Crl.R.C.(MD) No.811 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE **K.MURALI SHANKAR**

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Muthuram Blue Metals
through its authorized signatory,
Lakshmi Rajan,
W/o.Babu Arvinth,
No.36, South Street,
Melagaram, Tenkasi District.

... Petitioner

Vs.

The State rep.by
The Inspector of Police,
Kadayam Police Station,
Tirunelveli District.
Crime No.284 of 2021

... Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to the order, dated 03.06.2022 passed in Crl.M.P.No.4681 of 2022 on the file of the learned Principal Sessions Judge, Tirunelveli and set aside the same.



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For Petitioner : Mr.M.P.Senthil,
For Respondent : Mr.S.Manikandan,
Government Advocate (Crl. side)

ORDER

This Criminal Revision Petition is directed against the order passed in Crl.M.P.No.4681 of 2022, dated 03.06.2022, on the file of the learned Principal Sessions Judge, Tirunelveli, dismissing the application filed for returning of the original R.C. book of the vehicle bearing Registration No.TN-76-AJ-5940.

2. It is not in dispute that the petitioner has filed an application in C.M.P.No.5209 of 2021 under Section 451 of Cr.P.C. seeking orders to return the Tipper Lorry bearing Registration No.TN-76-AJ-5940 for interim custody and the learned Principal Sessions Judge, Tirunelveli has passed an order, dated 07.09.2021 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, Ambasamudram. It is also not in dispute that subsequently, the petitioner has filed the above application in Crl.M.P.No.4681 of 2022 alleging that the petitioner has already produced the original R.C. book before the learned Judicial Magistrate, Ambasamudram in



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pursuance of the order passed in Crl.M.P.No.4213 of 2020, dated 17.08.2020 on the file of the Principal Sessions Court, Tirunelveli, in connection with Crime No.316 of 2020 of Kadayam 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, Tirunelveli in the order passed in Crl.M.P.No.4213 of 2020, dated 17.08.2020.

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.



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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 03.06.2022 passed in Crl.M.P.No.4681 of 2022, by the learned Principal Sessions Court, Tirunelveli.

7. Accordingly, this Criminal Revision Petition is allowed and the order dated 03.06.2022 in Crl.M.P.No.4681 of 2022 on the file of the learned Principal Sessions Judge, Tirunelveli District, is hereby set aside and the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of the Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172) and further, the petitioner shall produce the certified copy of R.C.book of the vehicle instead of original R.C. book before the learned Judicial Magistrate, Ambasamudram and the learned Judicial Magistrate is directed to retain the original R.C. book till the disposal of both the cases. In



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respect of other conditions, the order of the learned Principal Sessions Judge,
Tirunelveli, shall remain unaltered.

26.08.2022

Index : Yes/No
Internet : Yes/No
das

To:-

- 1.The Principal Sessions Judge,
Tirunelveli.
- 2.The Judicial Magistrate,
Ambasamudram.
- 3.The Inspector of Police,
Kadayam Police Station,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

das

ORDER MADE IN
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