

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.10.2022

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.R.C.(MD).No.906 of 2022

R.G.A.Blue Metals,
represented by its Proprietor,
George Antony,
S/o Rethinam,
No.16/22, G1, Kalliyankadu,
Chunkankadai,
Aloor,
Kanniyakumari District.

.. Petitioner/Third Party

Vs.

The Inspector of Police,
Vadasery Police Station,
Nagercoil,
Kanniyakumari District.
(Crime No.583 of 2022)

.. Respondent/Complainant

PRAYER: This Civil Revision Case is filed under Sections 397 and 401 of the Criminal Procedure Code, to call for the records of the order passed by the learned Principal Sessions Judge, Kanniyakumari District at Nagercoil in Crl.M.P.No.4479 of 2022, dated 23.08.2022 and set aside the same and further, direct the learned Principal Sessions Judge, Kanniyakumari District at Nagercoil to grant interim custody of the vehicle to the petitioner without

depositing the original R.C.Book.

For Petitioner : Mr.N.Pragalathan

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

ORDER

This Criminal Revision Case has been preferred against the order passed by the learned Principal Sessions Judge, Kanniyakumari District at Nagercoil in Crl.M.P.No.4479 of 2022, dated 23.08.2022.

2.While passing the order in the petition filed by the petitioner under Section 451 of Cr.P.C., seeking return of vehicle, the learned Principal Sessions Judge, Kanniyakumari District, imposed a condition upon the petitioner to hand over the original R.C.Book of the vehicle bearing Registration No.TN 74 AS 0600 before the learned Judicial Magistrate No.II, Nagercoil.

3.The learned counsel for the petitioner submitted that the vehicle was already involved in Crime No.263 of 2019, on the file of Inspector of Police, Aralvoimozhi, for similar offence under Section 379 PC and Provisions if Mines and Minerals (Regulations and Development) Act. The

above said vehicle was seized in the above said crime number and produced before the concerned Court and while passing the order in Crl.M.P.No.5310 of 2019 on the file of the learned Principal District and Sessions Judge, Kanniyakumari District, on 15.11.2019, the petitioner was directed to produce the original R.C.Book before the learned Judicial Magistrate, Boothapandi, accordingly, it was submitted before him. Therefore, the petitioner is not in position to comply the condition imposed in Crl.M.P.No. 4479 of 2022, dated 23.08.2022.

4.Considering the facts and circumstances of this case, the petitioner is directed to get a certified copy of the original R.C.Book from the learned Judicial Magistrate Court, Boothapandi and produce the same instead of the Original R.C.Book, before the learned Judicial Magistrate No.II, Nagercoil, for the present case in Crl.M.P.No.4479 of 2022. The petitioner shall also produce an affidavit before the concerned Court to that effect.

5.With the above modification, this revision petition is partly allowed and the other conditions imposed remain unchanged.

18.10.2022

Index : Yes / No
Internet : Yes / No
TM

To

1.The Principal District and Sessions Judge, Kanniyakumari District.

2.The Judicial Magistrate No.II, Nagercoil.

3.The Judicial Magistrate, Boothapandi.

4.The The Inspector of Police,
Vadasery Police Station,
Nagercoil,
Kanniyakumari District.

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

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G.ILANGOVAN,J.

TM

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