



Crl.O.P.No.5914 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2023

CORAM

THE HON'BLE Mr. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.5914 of 2023

J.Venkatesaperumal

...Petitioner

Vs.

The State represented by
S.H.O., Ananthapuram Police Station,
Crime No.60 of 2022.
C.P.No.238 of 2022.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the record and set aside the order passed by District Principal Session Court, Villapuram in Crl.R.P.No.81 of 2022 order dated on 16.12.2022 in the 9th para first condition of the petition shall surrender original RC Book of the vehicle namely Taurus Lorry bearing Registration No.TN 59 BV 5133 before the concerned Judicial Magistrate Court.

For Petitioner : Ms.A.Reshma for Mr.K.Krishna
For Respondent : Mr.S.Santhosh
Government Advocate (Crl side)



Crl.O.P.No.5914 of 2023

ORDER

WEB COPY This Criminal Original Petition has been filed to call for the record and set aside the order passed by District Principal Session Court, Villapuram in Crl.R.P.No.81 of 2022 order dated on 16.12.2022 in the 9th para first condition of the petition shall surrender original RC Book of the vehicle namely Taurus Lorry bearing Registration No.TN 59 BV 5133 before the concerned Judicial Magistrate Court.

2. Learned counsel for the petitioner submitted that, petitioner filed Crl.R.P.No.81 of 2022 against the Order passed by the learned Judicial Magistrate, Gingee in Crl.M.P.No.794 of 2022 seeking return the vehicle namely Taurus Lorry bearing Registration No.TN 59 BV 5133. It is further submitted that, while granting Interim Custody of the aforesaid vehicle of the petitioner, learned Judge directed surrender of original RC Book of the vehicle namely Taurus Lorry bearing Registration No.TN 59 BV 5133 before the concerned Magistrate Court. The condition to surrender the original RC Book before the concerned Magistrate Court has to be set aside, for the reason that petitioner requires original RC Book.



Crl.O.P.No.5914 of 2023

3. Learned Government Advocate (Criminal side) opposed this petition, on the ground that, if the original RC Book is returned to the petitioner, there is a possibility of misusing the vehicle. Therefore, he prays for dismissal of this petition.

4. Considered the submissions and perused the records.

5. This Court, on going through the Order of District Principal Session Court, Villapuram in Crl.R.P.No.81 of 2022 finds that the learned Judge directed the surrender of original RC Book of the vehicle namely Taurus Lorry bearing Registration No.TN 59 BV 5133 before the concerned Magistrate Court. There is also a condition that, if the petitioner requires RC Book for any purpose, he may file a petition for return of original RC Book before the learned Principal Sessions Judge, Villupuram and that would be considered on merits. This case pertains to Mines and Minerals (Development & Regulation) Act, 1957. There is a possibility of confiscation proceedings, if initiated under Mines and Minerals (Development & Regulation) Act, 1957.



Crl.O.P.No.5914 of 2023

6. This Court finds merit in the submission of learned Government Advocate (Criminal side) that, if original RC Book is returned, it may be misused and that vehicle may even be sold. Therefore, this Court is not inclined to set aside the Order of District Principal Session Court, Villapuram in Crl.R.P.No.81 of 2022 giving direction to surrender the original RC Book of the vehicle namely Taurus Lorry bearing Registration No.TN 59 BV 5133 before the concerned Judicial Magistrate Court.

7. Accordingly, this Criminal Original Petition is dismissed. If the petitioner requires original RC Book for any valid and legal purpose, he may approach the learned Principal Sessions Judge, Villupuram for appropriate orders.

15.03.2023

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Index:Yes/No

Speaking Order: Yes/No



Crl.O.P.No.5914 of 2023

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- To
- 1.The District Principal Session Court,
Villapuram.
 - 2.S.H.O., Ananthapuram Police Station,
Crime No.60 of 2022.
C.P.No.238 of 2022.
 - 3.The Public Prosecutor
High Court of Madras.



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Crl.O.P.No.5914 of 2023

G.CHANDRASEKHARAN.J.,

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Crl.O.P.No.5914 of 2023

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