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Crl.O.P.No.9140 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2023

CORAM

THE HONOURABLE MR. JUSTICE **G.CHANDRASEKHARAN**

**Crl.O.P.No.9140 of 2023**

K.Sekar

... Petitioner

Vs.

The State Represented by its,  
Inspector of Police,  
Nallipalayam Police Station,  
Namakkal.

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records and set-aside the order passed by the Judicial Magistrate No.1, Namakkal, and order to return the original R.C. Book, T.O Form and Insurance copy of Taurus Lorry bearing Reg.No.TN-87-B-4101 produced on the file of order dated 23.02.2021 made in C.M.P.No.1397 of 2020 in Crime No.825 of 2020 on the file of respondent police as an interim custody for a period of one month by appreciating the above said facts and circumstances of the case.

For Petitioner : Mr.K.Sathish Kumar  
For Respondent : Mr.S.Santhosh  
Government Advocate (Crl. Side)



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## **ORDER**

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This Criminal Original Petition has been filed calling for the records and set-aside the order passed by the Judicial Magistrate No.1, Namakkal, in C.M.P.No.1397 of 2020 and order to return the original R.C. Book, T.O Form and Insurance copy of Taurus Lorry bearing Reg.No.TN-87-B-4101 produced in Crime No.825 of 2020 on the file of respondent police, as an interim custody for a period of one month.

2. The learned counsel for the petitioner submitted that the petitioner was granted interim custody of the Lorry bearing Reg.No.TN-87-B-4101 as per the orders passed by the Judicial Magistrate No.1, Namakkal, in C.M.P.No.1397 of 2020. Against this order, one Selvarajan filed C.R.P.No.8 of 2021 on the file of the Additional District Sessions Court, Namakkal. The Additional District Sessions Court, Namakkal dismissed the revision petition, thereby confirming the order of learned Judicial Magistrate No.1, Namakkal passed in C.M.P.No.1397 of 2020. Meanwhile, the petitioner filed CMP.No.741 of 2021 on the file of the learned Judicial Magistrate No.1, Namakkal, for modifying the condition imposed on the petitioner that the petitioner should deposit original RC Book in the custody of the Court. That petition was dismissed by the learned Judicial Magistrate No.1, Namakkal, on



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the ground that there is a dispute with regard to the ownership of the vehicle between the petitioner and the said Selvarajan. Challenging the said order, this petition is filed.

3. The learned counsel for the petitioner submitted that the said Selvarajan filed a Crl.O.P.No.1524 of 2023 against the order passed in C.R.P.No.8 of 2021 and it is pending.

4. When the issue with regard to the ownership of the disputed vehicle is now pending in Crl.O.P.No.1524 of 2023 before this Court, this Court is of the view that the petitioner cannot seek any remedy against the order passed in CMP.No.741 of 2021, at this stage. Therefore, this Criminal Original Petition is dismissed.

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Index:Yes/No  
Speaking/Non speaking order  
mn



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**G.CHANDRASEKHARAN.J.,**

mn

To

1. The Judicial Magistrate No.1, Namakkal.
2. The Inspector of Police,  
Nallipalayam Police Station,  
Namakkal.
3. The Public Prosecutor,  
High Court of Madras.

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