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Crl.R.C.No.1544 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2023

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1544 of 2023

Neelakandan

... Petitioner

Vs.

State rep by
The Sub Inspector of Police,
Sriperumbudur Police Station,
Kancheepuram District.
(Crime No.575 of 2022)

... Respondents

PRAYER: Criminal Revision Case has been filed under Sections 397 and 401 of Cr.P.C, praying to set aside the order dated 30.06.2023 made in Crl.M.P.No.2287 of 2023 in Crl.M.P.No.631 of 2023 passed by the Principal District Judge of Kancheepuram District at Chengalpattu, whereby dismissing the petition to return the vehicle namely a lorry bearing Registration No.TN-22-CC-5253 to the petitioner herein.

For Petitioner : Mr.R.Sasikumar

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

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This petition has been filed seeking to set aside the order dated 30.06.2023 made in Crl.M.P.No.2287 of 2023 in Crl.M.P.No.631 of 2023 passed by the learned Principal District and Sessions Judge of Kancheepuram District at Chengalpattu, whereby dismissing the petition to return the vehicle namely a lorry bearing Registration No.TN-22-CC-5253 to the petitioner herein.

2.The petitioner/owner of the vehicle bearing Registration No. TN-22-CC-5253 had filed a petition before the learned Principal District and Sessions Judge, Kancheepuram District at Chengalpattu in Crl.M.P.No.631 of 2023 seeking interim custody of his Tipper Lorry. The learned Sessions Judge, by order dated 10.04.2023 allowed the petition and granted interim custody of the lorry to the petitioner with certain conditions. One of the conditions was that the petitioner should submit the original Registration Certificate of the vehicle before the learned Judicial Magistrate,



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Sriperumbudur. After complying the conditions, the Lower Court returned the vehicle to the petitioner. Thereafter, the petitioner for the purpose of obtaining fitness certificate of vehicle filed Crl.M.P.No.2287 of 2023 seeking return of his Registration Certificate for the purpose of submitting the same to RTO. The learned Principal Sessions Judge by order dated 26.04.2023, permitted the petitioner to receive the original Registration Certificate and resubmit the same within a period of two months, i.e., on or before 27.06.2023. After obtaining Registration certificate of vehicle, the petitioner made an application to the RTO for renewal of fitness certificate, since the earlier fitness certificate gets expires on 29.06.2023. This application was not entertained immediately and there was some delay. Finally the vehicle was inspected on 30.06.2023 and fitness certificate was obtained.

2.1.In the meanwhile, for the delay, the petitioner approached the Lower Court for extension of time. The Lower Court, on 30.06.2023, finding that the petitioner has not complied with the earlier direction of surrendering



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the original Registration Certificate on or before 27.06.2023, cancelled the order passed in Crl.M.P.No.631 of 2023 dated 10.04.2023, against which the present petition.

3.The learned Additional Public Prosecutor submits that the reason given by the petitioner for delay is not proper. The petitioner obtained registration certificate from the learned Judicial Magistrate, Sriperumbudur. For the reasons best known, he had not resubmitted the same within the stipulated period as per the directions of the Sessions Court. On instructions, learned Additional Public Prosecutor submitted that the Fitness Certificate was expired on 29.06.2023 and thereafter the vehicle was inspected on 30.06.2023 and now the fitness certificate issued on 30.06.2023 validating the fitness of the vehicle upto 01.05.2024. But the original Registration Certificate of the vehicle is detained by the Regional Transport Office, Sriperumbudur.



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4.Considering the submissions made and on perusal of the material

it is seen that the vehicle was seized in Crime No.575 of 2022 for the offences under Section 430 and 379 IPC and Sec.21(1) of Mines and Minerals Act, 1957. The learned Principal District and Sessions Judge, Chengalpattu, by order dated 10.04.2023, entrusted interim custody of the vehicle to the petitioner. At that time, the petitioner was directed to surrender the original R.C. Book before the learned Judicial Magistrate, Sriperumbudur. The petitioner also complied with the same. In the meanwhile, for the purpose of renewal of fitness of the vehicle, he sought return of the original R.C. Book and the same was also allowed with condition that after renewal, the original R.C. Book of the vehicle to be submitted on or before 27.06.2023. In this case, admittedly, the vehicle was inspected and Fitness Certificate was renewed on 30.06.2023, which is beyond the control of the petitioner. In view of the same, cancelling the order dated 10.04.2023 passed in Crl.M.P.No.631 of 2023 is not proper.



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5.Further, the petitioner is running a transport vehicle which require to carry the R.C. Book during transport. In view of the same, the condition of petitioner surrendering the original R.C. Book as per order dated 10.04.2023 in Crl.M.P.No.631 of 2023 is hereby modified to the extent that the petitioner shall produce the original R.C. Book before the learned Judicial Magistrate, Sriperumbudur. The learned Judicial Magistrate shall verify the R.C. Book, retain the self attested photostat copy of the same and return the original R.C.Book to the petitioner. Further, the petitioner is directed to file an affidavit of undertaking before the learned Judicial Magistrate, Sriperumbur and also before the learned Principal District and Sessions Judge, Chengalpattu that he will not alienate, alter or tamper with the Lorry bearing registration No.TN-22-CC-5253 in any manner and whenever the Investigating Agency or the Lower Court requires the original R.C.Book, the same will be produced.



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6.In view of the above, the order dated 30.06.2023 made in Crl.M.P.No.2287 of 2023 in Crl.M.P.No.631 of 2023, passed by the learned Principal District and Sessions Judge, Kancheepuram District at Chengalpattu is set aside and the revision is, accordingly, allowed. The RTO, Sriperumbudur to return the R.C. of TN-22-CC-5253 to the petitioner.

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Index : Yes/No

Internet : Yes/No

Speaking order / Non-speaking order
rsi

To

- 1.The Sub Inspector of Police,
Sriperumbudur Police Station,
Kancheepuram District.
- 2.The Principal District and Sessions Judge,
Kancheepuram District at Chengalpattu.
- 3.The Judicial Magistrate,
Sriperumbudur.



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4.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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