



WEB COPY



Crl.O.P.No.25867 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.25867 of 2023

Velumani

... Petitioner

Vs.

State Rep.by its
The Inspector of Police,
Ethappur Police Station,
Salem District.
(Crime No.803 of 2020)

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to set aside the written docket order in unnumbered Crl.M.P.Sr.No.3090 of 2023 on the file of the Judicial Magistrate No.I, Attur, Salem District dated 17.07.2023 in connection with the FIR in Crime No,803 of 2023 on the file of the Inspector of Police, Ethappur Police Station, Salem District.

For Petitioner : Mr.M.Senthil Kumar
For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition is filed challenging the docket order of the trial Court which has returned the application filed under Section 457 Cr.P.C., for return of the vehicle because the vehicle does not stand in the name of the petitioner.



2. The learned Government Advocate (Crl.Side) appearing for the State submits that the subject vehicle is involved in transport of illicit ID arrack and same is liable to be confiscated under Section 10 of Tamil Nadu Prohibition Act. While so, the petitioner is not the owner of the vehicle for return of temporary custody of the vehicle which has been rightly returned by the trial Court stating that RC book of the vehicle does not stand in the name of the petitioner. He has purchased from the owner and he is holding transfer of ownership form and he also produced T.O.form.

3. Transfer of Ownership Form is not a document of title regarding the vehicle. It is only an enabling document to RTO to act the name transfer. Till the name is transferred initially by the RTO office, T.O.Form has no validity. In so far as the offence of this nature is concerned, more so, the vehicle is likely to be confiscated, Court cannot entertain the application for return of vehicle. Therefore, this Criminal Original Petition is dismissed.

10.11.2023

Neutral Citation : Yes/No
rpl

To



Crl.O.P.No.25867 of 2025

1.The Judicial Magistrate No.I, Attur, Salem District

2.The Inspector of Police,
Ethappur Police Station,
Salem District.

3.The Public Prosecutor,
High Court of Madras,
Chennai.

Dr.G.JAYACHANDRAN, J.



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