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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.28550 of 2022

Mohan Doss

.. Petitioner

.Vs.

State by
The Inspector of Police
Vaniyambadi Town Police Station
Vaniyambadi, Tirupathur District.

..Respondent

(Crime No.207 of 2018)

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order passed by the learned Judicial Magistrate Vaniyambadi, Vellore District in CMP.No.6565 of 2019 dated on 09.07.2019.

For Petitioner : Mr.S.Suresh

For Respondent : Mr.A.Gopinath
Government Advocate(Crl.Side)

ORDER

This petition has been filed challenging the order passed by the Court below in CMP.No.6565 of 2019, cancelling the earlier interim order passed on 14.9.2018, on the ground that the petitioner did not produce the original RC book pertaining to the



2. Heard Mr.S.Suresh, learned counsel for the petitioner and Mr.A.Gopinath, learned Government Advocate(Crl.Side) appearing on behalf of the respondent.

3.The petitioner is an accused in Crime No.207 of 2018. During the course of investigation, the vehicle belonging to the petitioner was seized. The petitioner filed a petition for return of vehicle and an order came to be passed in CMP.No.1964 of 2018, dated 14.9.2018 returning back the vehicle to the petitioner by imposing certain conditions. One condition which was imposed was that the petitioner must surrender the original RC book before the Court. Accordingly, the same was surrendered and the vehicle was also returned back to the petitioner.

4.The petitioner moved an application to get back the RC book for renewing the permit of the vehicle. The Court below allowed the application and directed the petitioner to return back the original RC book, within a period of 15 days. The petitioner was not able to return back the original RC book within the time fixed by the Court. In view of the same, the Court below directed the respondent police to seize the vehicle and produce the same before the Court. This order was passed on 09.7.2019. Aggrieved by the same, the present criminal original petition has been filed before this Court.

5.It is brought to the notice of this Court that the vehicle was taken away by the financier along with the original RC book and that is the reason why the petitioner did not produce the original RC book before the Court below. In view of



the same, the vehicle is no more in the possession of the petitioner and it has been taken away by the financier and the financier has now lost possession of the vehicle since it was seized by the respondent police. Hence, it is the financier who will be aggrieved by the action taken by the police. Till date, the vehicle continues to be in the custody of the Court.

8.In view of the above, there is no reason for this Court to interfere with the order passed by the Court below. If ultimately the petitioner has settled the dues to the finance company and the original RC book has also been handed over to the petitioner, it is left open to the petitioner to make a fresh application before the Court below seeking for return of vehicle and the same will be considered by the Court below in accordance with law.

9.This criminal original petition is disposed of in the above terms.

01.08.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
KP



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N. ANAND VENKATESH,, J.

KP

To

- 1.The Inspector of Police
Vaniyambadi Town Police Station
Vaniyambadi, Tirupathur District.
2. Judicial Magistrate Vaniyambadi
Vellore District.
- 3.The Public Prosecutor
High Court, Madras.

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