



Crl.R.C.No.1880 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2023

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1880 of 2023

S.Mathaiyan

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Konganapuram Police Station,
Salem District.
Crime No.271 of 2021

... Respondent

Prayer: Criminal Revision Petition filed under Sections 397 r/w. 401 of Criminal Procedure Code, to set aside the order dated 05.10.2023 made in C.M.P.No.2135 of 2023 on the file of the District Munsif cum Judicial Magistrate, Edappadi.

For Petitioner : Ms.R.Madhubala

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

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This Criminal Revision Petition is filed to set aside the order dated 05.10.2023 made in C.M.P.No.2135 of 2023 on the file of the District Munsif cum Judicial Magistrate, Edappadi.

2.The petitioner, owner of the Ashok Leyland lorry bearing registration No.TN-57-AD-8340 was not an accused in Crime No.271 of 2021. The petitioner's lorry was seized by the respondent police. Thereafter, the petitioner filed a petition seeking return of property in C.M.P.No.2135 of 2023. The Lower Court by order dated 05.10.2023 handed over interim custody of the vehicle but with a condition that original R.C. Book to be deposited before the Lower Court. Pursuant to the same, the petitioner deposited the R.C.Book before the Lower Court.

3.It is seen that the petitioner is the owner of the Lorry which is a commercial vehicle used for transportation and further the vehicle needs yearly fitness certificate to be obtained for the purpose of insurance. In view of the same, each time the petitioner is filing petition before the Lower Court



for interim custody of R.C. Book. which was returned to the petitioner and re-submitted to the Court.

4.Learned counsel for the petitioner submitted that during the road check by the RTO, Police as well as as during inter-state transport, the other State Officials are demanding the original RC Book to be accompanied in the vehicle and for that reason, the vehicle had been detained and later, after much persuasion the vehicle could be released. In view of the same, the petitioner seeks return of original R.C.Book and he will substitute the same with self attested certified photostat copy of the R.C. Book with an undertaking affidavit that the vehicle will not be alienated, modified or tinkered in any manner and whenever the Investigating Agency or the Lower Court requires the original R.C.Book, the same will be produced.

5.Learned Additional Public Prosecutor submits that investigation is still pending. He would further submit that if the R.C. Book is returned to the petitioner, there is every possibility of petitioner alienating the vehicle using the R.C. Book. Hence, prays for dismissal of the petition.



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6.Considering the submissions made and on perusal of the materials, this Court is inclined to modify the order passed by the Lower Court. Accordingly, this Criminal Revision Petition is allowed and the impugned order dated 05.10.2023 passed by the learned District Munsif cum Judicial Magistrate, Edappadi in C.M.P.No.2135 of 2023 is set aside. The learned District Munsif cum Judicial Magistrate, Edappadi is directed to return/hand over the original R.C. Book to the petitioner. If required, the trial Court shall get an affidavit of undertaking from the petitioner that the vehicle would not be tinkered with, alienated or encumbered in any manner.

07.12.2023

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
cse



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To

- 1.The Inspector of Police,
Konganapuram Police Station,
Salem District.
- 2.The District Munsif cum Judicial Magistrate,
Edappadi.
- 3.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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