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Crl.M.P.No.20026 of 2023

Crl.M.P.No.20026 of 2023

in

Crl.R.C.No.76 of 2023

M. NIRMAL KUMAR, J.

The petitioner, who is the owner of the Taurus Lorry bearing Registration No.TN-61-A-8749 which was seized by the respondent police in Crime No.224 of 2022, earlier filed a petition before this Court in Crl.R.C.No.76 of 2023 seeking interim custody of the vehicle. This Court, by order dated 02.02.2023, granted interim custody of the vehicle to the petitioner with six conditions.

2.The contention of the petitioner is that he had complied with all the conditions, now the vehicle has been handed over to the petitioner. As per the first condition, the petitioner voluntarily submitted the original R.C. Book. According to the petitioner, now the original R.C. Book is in the custody of learned Judicial Magistrate No.II, Tindivanam. The petitioner also filed a petition under Section 249 of Cr.P.C. before the Lower Court in



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R.C. Book, which was returned by the Lower Court on 28.04.2023 with an endorsement that the return of vehicle order has been passed by the Hon'ble High Court of Madras and thereafter R.C. Book has been retained in the Court, hence, the petition cannot be entertained. The petitioner needs R.C. Book for the purpose of renewal of fitness certificate and payment of insurance, since the Regional Transport Office is insisting for original R.C. Book. Hence, the present petition has been filed.

3.The learned Additional Public Prosecutor submits that the petitioner had executed sureties and the vehicle has been returned to the petitioner. As regards the deposit of original R.C. Book, the petitioner had not given the particulars and the date on which it has been surrendered and this Court in the order dated 02.02.2023, not directed the petitioner to submit the original R.C.Book.



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4.Considering the submission of the learned counsel for petitioner that the original R.C.Book of the vehicle bearing Registration No.TN-61-A-8749 had been submitted and it is presently in the custody of learned Judicial Magistrate No.II, Tindivanam and the petitioner needs the same for the purpose of renewal of fitness certificate and payment of insurance, this Court directs the learned Judicial Magistrate No.II, Tindivanam to return the original R.C.Book to the petitioner in the event of the same has been surrendered. The learned Magistrate shall retain the photostat certified copy of the R.C. Book with self attestation from the petitioner and the petitioner shall also give an undertaking that he has received original R.C. Book and not disputing the photostat copy submitted before the Court.

5.With the above directions, this Criminal Miscellaneous Petition is ordered.

22.12.2023

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