



Crl.R.C.(MD) No.324 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.324 of 2023

Periyasamy

... Petitioner/Petitioner

Vs.

- 1.The District Collector,
Dindigul.
- 2.The Revenue Divisional Officer,
Palani.
- 3.The Assistant Director,
Department of Geology and Mining,
Dindigul.
- 4.The Tahsildar,
Vedasndur,
Dindigul.
- 5.The State through
The Inspector of Police,
Guziliamparai Police Station,
Dindigul District.
(Crime No.134 of 2022)
- 6.The Manager,
Rakavi Finance,
No.33, Chinna Andavar Kovil Road,
Karur.

...Respondents/Respondents



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Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records of the order passed by the learned Principal Sessions Judge, Dindigul District in Crl.M.P.No.3225 of 2022 dated 20.01.2023 and to modify the condition passed in so far as the petitioner should deposit original R.C. Book before the learned Additional District Munsif cum Judicial Magistrate, Vendasandur.

For Petitioner : M/s.P.Krishnaveni,
For R1 to R5 : Mr.A.Albert James,
Government Advocate (Crl. side)

ORDER

This Criminal Revision is directed against the condition imposed by the learned Principal Sessions Judge, Dindigul, in Crl.M.P.No.3225 of 2022 dated 20.01.2023 directing the petitioner to deposit all the documents pertaining to the ownership of the seized vehicle including Original R.C. Book before the learned Additional District Munsif cum Judicial Magistrate, Vendasandur.

2. On 23.07.2022, the fifth respondent intercepted six vehicles viz., 4 lorries bearing Registration Nos.TN-55-AH-9262, TN-47-AT-4870, TN-47-AT-4524 and TN-47-AT-4507, 1 JCB bearing Registration No.TN-19-X-5757 and



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1 for registration JCB and seized the vehicles as the same were used for illegal transportation of gravel without any valid license or permit and registered a case in Crime No.134 of 2022 for the offences under Section 379 IPC. The petitioner claims to be the owner of JCB bearing Registration No.TN-19-X-5757.

3. It is not in dispute that the petitioner has approached the learned Principal Sessions Judge, Dindigul, for returning of the JCB bearing Registration No.TN-19-X-5757 in Crl.M.P.No.3225 of 2022 and the learned Principal Sessions Judge, vide order dated 20.01.2023, has allowed the petition with certain condition that the petitioner shall deposit all the documents pertaining to the ownership of the seized vehicle including Original R.C. Book before the learned Additional District Munsif cum Judicial Magistrate, Veda sandur. Challenging the above said condition, the above Criminal Revision came to be filed before this Court.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondents 1 to 5.



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5. The learned counsel appearing for the petitioner would submit that the petitioner's vehicle bearing Registration No.TN-19-X-5757 was involved in another one case in Crime No.827 of 2019 on 26.12.2019 and that the petitioner has earlier filed a similar petition under Section 451 Cr.P.C. seeking interim custody of the above said vehicle, which was involved in the present case, in CMP.No.1345 of 2020 and the learned Judicial Magistrate No.I (FAC), Karur has passed an order granting interim custody on condition that the petitioner has to deposit the original R.C. Book and in pursuance of the same, original R.C. Book was produced before the concerned Court and is now available with the concerned Court.

6. The learned counsel appearing for the petitioner would further submit that the petitioner is ready to produce the certified copy of the R.C. book and also file an affidavit that he will produce the original R.C. book after getting the R.C. Book from the concerned Court. He would further submit that the petitioner's family is depending upon the income deprived from the above said vehicle on rental basis.



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7. Considering the submission made by the learned counsel appearing for the petitioner, this Court is inclined to modify the condition with regard to surrendering of original R.C. book and that the petitioner can be directed to produce the certified copy of the R.C. book and to file an affidavit as stated by the learned counsel appearing for the petitioner.

8. In the result, this Criminal Revision Petition is allowed. The order of the learned Principal Sessions Judge, Dindigul, made in Crl.M.P.No.3225 of 2022, dated 20.01.2023 is modified in respect of the surrendering of the original R.C. Book alone and it is modified to the effect that the petitioner shall produce the certified copy of the R.C. book and also file an affidavit of undertaking to surrender the original R.C. book after getting the original R.C. Book from the concerned Court. In respect of other conditions, the order of the learned Principal Sessions Judge, Dindigul, shall remain unaltered.

29.03.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
csm

Note : Issue order copy on 30.03.2023



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K.MURALI SHANKAR, J.

csn

To:-

- 1.The District Collector,
Dindigul.
- 2.The Revenue Divisional Officer,
Palani.
- 3.The Assistant Director,
Department of Geology and Mining,
Dindigul.
- 4.The Tahsildar,
Vedasndur,
Dindigul.
- 5.The Inspector of Police,
Guziliamparai Police Station,
Dindigul District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

**ORDER MADE IN
Crl.R.C.(MD)No.324 of 2023**

29.03.2023