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CRL.R.C.(MD).No.482 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 28.04.2023

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CRL.R.C.(MD).No.482 of 2023

D.Moorthi @ Rajkumar

: Petitioner

Vs.

The Inspector of Police,
Melattur Police Station,
Thanjavur District.
Crime No.16 of 2020.

: Respondent

PRAYER: Criminal Revision Petition has been filed under Section 397(1) r/w 401 of Cr.P.C, to call for the records pertaining to the dismissal order dated 26.12.2022 made in CrI.M.P.No.3091 of 2022 passed by the learned Judicial Magistrate No.III, Thanjavur and set aside the same and consequently, direct the learned Judicial Magistrate No.III, Thanjavur to return the RC Book of Ashok Leyland Lorry bearing Reg.No.TN-10-P-8076 for temporary custody for the purpose of it renewal.

For Petitioner : Mr.T.Indrachithu

For Respondent : Mr.SS.Madhavan,
Government Advocate (Criminal Side)



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ORDER

The Criminal Revision is directed against the order passed in CrI.M.P.No.3091 of 2022 in C.C.No. 57 of 2022, dated 26.12.2022, on the file of the learned Judicial Magistrate No.III, Thanjavur, dismissing the petition for return of RC Book.

2. It is evident from the records that the petitioner has produced the original RC Book before the learned Judicial Magistrate No.III, Thanjavur, in pursuance of the directions of this Court in CrI.R.C(MD) No.620 of 2020, dated 18.12.2020.

3. The main contention of the petitioner is that the petitioner is in need of original RC Book for effecting Fitness Certificate (FC). The learned Judicial Magistrate by observing that since the return of vehicle was ordered by the High Court, the Magistrate has no power to return the original RC Book.

4. Considering the above facts and circumstances of the case and also the submissions made by the learned counsel for the petitioner, the trial Court is directed to return the original RC Book to the petitioner and



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the petitioner is directed to resubmit the same, after effecting FC within one month from the receipt of receiving the RC Book.

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5. With the above directions, the Criminal Revision Case is disposed of.

28.04.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
das

To

- 1.The Judicial Magistrate No.III, Thanjavur.
- 2.The Special Court under the Mines and Minerals (D&R) Act, 1957, Thanjavur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 4.The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court, Madurai.



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K.MURALI SHANKAR, J.

das

Order made in

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