



Crl.O.P.(MD)No. 13225 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2023

CORAM

THE HON'BLE DR.JUSTICE D.NAGARJUN

Crl.O.P.(MD)No. 13225 of 2023

V.Dhanalakshmi

... Petitioner

Vs.

- 1.The Distirct Collector,
Dindigul District,
Dindigul.
- 2.The Assistant Director,
Department of Geology and Mining,
Dindigul.
- 3.The Revenue Divisional Officer,
Revenue Divisional Office,
Dindigul.
- 4.The Tahsildar,
Taluk Office,
Dindigul East Taluk,
Dindigul District.
- 5.State represented by
The Special Sub Inspector of Police,
Shanarpatti police station,
Shanarpatti,
Dindigul District.

... Respondent



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PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C., to set aside the return docket order and consequently to direct the Principal Sessions Judge, Dindigul District to number the case and to proceed with in D.F.No.4619 of 2023 filed by the petitioner.

For Petitioner : Mr.K.Arunraj

For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)

ORDER

This Criminal Original Petition is filed for a direction to the learned Principal Sessions Judge, Dindigul, to number the D.F.No.4619 of 2023 filed by the petitioner.

2. The petitioner filed an application for return of the tractor bearing registration No.TN 57 J 3840, under Section 457 and 451 of Cr.P.C., and the same was ordered on 25.01.2023 in Crl.M.P.No.4220 of 2022. Subsequently, the petitioner has filed an application in D.F.No. 4619 of 2023 for return of the trailer of the track but the said petition was returned with an endorsement that original RC Book is not filed. According to the petitioner, the RC Book was produced before the



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Judicial Magistrate Court, while filing the application for return of the tractor, for interim custody, thereby, the same could not be filed.

3. The petitioner is expected to place before the learned Principal Sessions Judge, Dindigul District, the original RC in respect of the trailer to show that the petitioner is the owner of the said trailer. According to the petitioner RC Book was already submitted before the trial Court, the petitioner is expected to explain the Court that original RC Book of the trailer also is filed before the Magistrate court. The petitioner can file an application for substituting the original RC, with certified copy of the RC Book and file it before the Court, along with application to return of trailer. However, the petitioner has approached this Court for a direction to the learned Principal Sessions Judge, Dindigul District, to consider application for return of the trailer even without filing original RC Book.

4. Considering the circumstances, this petition is disposed of directing the petitioner to approach the learned Principal Sessions Judge, Dindigul District and resubmit the application explaining that the original RC Book is in the learned Magistrate Court. On such



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submission, the learned Judge is directed to consider and number the same if otherwise in order and dispose as per law.

5.With this direction, this Criminal Original Petition is disposed of.

24.07.2023

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

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To

- 1.The Distirct Collector, Dindigul District, Dindigul.
- 2.The Assistant Director, Department of Geology and Mining,
Dindigul.
- 3.The Revenue Divisional Officer, Revenue Divisional Office,
Dindigul.
- 4.The Tahsildar, Taluk Office, Dindigul East Taluk, Dindigul District.
- 5.The Special Sub Inspector of Police, Shanarpatti police station,
Shanarpatti, Dindigul District
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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DR.D.NAGARJUN, J.

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Order made in

Crl.O.P.(MD)No. 13225 of 2023

Dated: 24.07.2023



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DR.D.NAGARJUN,J.

Today this matter is listed under the caption "for being mentioned" at the instance of learned counsel for the petitioner.

2. After hearing the submissions of learned counsel for the petitioner the paragraph Nos.2, 3 and 4 of the order copy dated 24.07.2023 passed in Crl.O.P.(MD).No.13225 of 2023, has been modified as follows:-

"2.The petitioner filed an application for return of the tractor bearing registration No.TN 57 J 3840, under Section 457 and 451 of Cr.P.C., and the same was ordered on 25.01.2023 in Crl.M.P.No.4220 of 2022. Subsequently, the petitioner has filed an application in D.F.No. 4619 of 2023 for return of the trailer of the tractor but the said petition was returned with an endorsement that the original RC Book has not been renewed. According to the petitioner, unless the trailer is physically produced before the transport



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authorities, the RC cannot be renewed. In order to renew the RC book, the trailer is required which is in the custody of the Court. Therefore, sought for a direction to release the trailer basing on the RC book enabling him to renew the trailer.

3. In the normal course, the petitioner is explained to submit renewed RC book while filing the petition for the return of the case property. However, in the context of the circumstances explained by the petitioner, the RC of the trailer could not be renewed as trailer was not produced before the Transport authority.

4. Considering the circumstances, the petitioner is directed to resubmit the application explaining that the original RC could not be renewed as the trailer was not produced before the transport authorities. Considering the same, the learned Judge is directed to consider the same and number the said application without insisting for renewal of RC of the trailer if the petition is otherwise in order."



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3. Registry is directed to carry out the above said corrections
and issue fresh order copy to the parties concerned forthwith.

27.09.2023

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Today this matter is listed under the caption "for being mentioned" at the instance of learned counsel for the petitioner.

2. Learned counsel for the petitioner submitted that though this Court while disposing of the criminal original petition, issued a direction to the petitioner to resubmit the application in D.F.No.4619 of 2023 before the learned Principal Sessions Judge, Dindigul, the order copy does not contain a direction as to the return of original application in D.F.No.4619 of 2023 to the petitioner and therefore the petitioner is unable to resubmit the aforesaid application. Thus, he seeks for appropriate direction.

3. In view of the above submission, Registry is directed to return the original application in D.F.No.4619 of 2023 filed along with this petition to the counsel for petitioner forthwith, after getting attesting copies of same.

07.11.2023

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