



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.R.C.(MD).No.3 of 2023

R.Ganesan

... Petitioner

Vs.

1.The Revenue Revision Divisional Officer,
Revenue Divisional Office,
Melur,
Madurai District.

2.The Tahsildar,
Madurai East,
Madurai.

3.The Assistant Director,
Tamil Nadu Mines & Minerals,
Madurai District.

... Respondents

PRAYER: This Civil Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code 1973, to call for the records relating to the judgment dated 15.11.2022 made in Crl.M.P.No.3526 of 2022 on the file of Judicial Magistrate, Melur and set aside the same and to direct the learned Magistrate Court, Melur to grant interim custody of RC book of the petitioner's vehicle bearing registration No.TN 59 AU 3306.



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For Petitioner : Mr.K.Muthu Ganesa Bandian
For Respondents : Mr.R.Suresh Kumar
Government Advocate (Crl. Side)

ORDER

This Criminal Revision Case has been filed to call for the records relating to the judgment dated 15.11.2022 made in Crl.M.P.No.3526 of 2022 on the file of Judicial Magistrate, Melur and set aside the same and to direct the learned Magistrate Court, Melur to grant interim custody of RC book of the petitioner's vehicle bearing registration No.TN 59 AU 3306.

2. The learned counsel for the petitioner submitted that sofar no FIR and no complaint has been registered against this petitioner before any authority or Court, even then, the Original RC book is still under the custody of the learned Judicial Magistrate, Melur. He further stated that he has also filed W.A(MD).No.948 of 2019 and the same was allowed on 19.09.2019, wherein a direction was issued to the concerned authority to unload the sand, which has been loaded into the lorry and thereafter produce the vehicle before the learned Judicial Magistrate Court, Melur.

3. In pursuance of the above said order, the above said vehicle was handed over to the learned Judicial Magistrate and the petitioner has also



filed a petition for interim custody of the vehicle and the same was allowed.

At that time, he has deposited the original RC book and the same was periodically returned to the petitioner for getting fitness certificate. Liberty also granted to the respondent to register appropriate civil or criminal proceedings against the petitioner in W.A(MD).No.948 of 2019. After lapse of two years, no such action has been taken by the respondent police.

4. Heard the learned Government Advocate(Crl.side) and also perused the materials available on record.

5. Considering the facts and the circumstances of the case, the order passed in Crl.M.P.No.3526 of 2022 dated 15.11.2022 on the file of the Judicial Magistrate, Melur, is set aside. This Court directs the learned Judicial Magistrate to return the original RC book to the revision petitioner, on condition that the revision petitioner shall redeposit the same after completing the formalities. Copy of the original RC book shall retained by the concerned Court.

With the above directions, this Criminal Revision Case is allowed.

05.01.2023

Index : Yes / No

Internet : Yes / No

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To,

1. The Revenue Revision Divisional Officer,
Revenue Divisional Office,
Melur,
Madurai District.
2. The Tahsildar,
Madurai East,
Madurai.
3. The Assistant Director,
Tamil Nadu Mines & Minerals,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGO VAN,J.

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05.01.2023