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Crl.R.C.No.1634 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1634 of 2024

Kathiresan

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
K-10, Koyambedu Police Station,
Koyambedu, Chennai.
(Cr.No.17 of 2024)

... Respondent

Prayer: Criminal Revision Petition filed under Sections 397 and 401 of Code of Criminal Procedure, praying to set aside the order of dismissal in Crl.M.P.No.38807 of 2024 dated 25.07.2024 on the file of the V Metropolitan Magistrate, Egmore, Chennai-8.

For Petitioner : Mr.S.Madhusudanan

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This petition has been filed seeking to set aside the order of dismissal in Crl.M.P.No.38807 of 2024 dated 25.07.2024 on the file of the V Metropolitan Magistrate, Egmore, Chennai-8.



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2.The petitioner is the owner of the Lorry bearing No.TN-73-L-6250, which was seized by the respondent police in Crime No.17 of 2024. The petitioner, who is running a vegetable business at Koyambedu Market, entrusted his vehicle/lorry for bringing vegetable load from Punganoor, Andhra Pradesh. On 10.01.2024, the vehicle was entrusted to the driver for getting vegetables from Andhra Pradesh. The respondent-police enquired the driver of the vehicle, namely, Prabhakaran, who said to have transported banned Tobacco products weighing about 1300 gms from Andhra Pradesh. The case was registered against the driver in Crime No.17 of 2024 for offences under Sections 272, 273, 328 of I.P.C. r/w 24(i) of Tobacco Act. The petitioner needs the lorry for his business, which gives regular trip to Andhra Pradesh to transport vegetables. Since the lorry is used for his livelihood, the petitioner sought for return of property. The Lower Court in Crl.M.P.No.4431 of 2024 ordered return of lorry to the petitioner with the condition that the original Registration Certificate to be detained in the Court. The petitioner now needs the Registration Certificate for the purpose of obtaining Fitness Certificate and for renewal of national permit, since all were expired in July, 2024. Hence, he filed a petition in Crl.M.P.No.38807 of 2024 seeking interim custody of original R.C. Book of Lorry. The trial Court



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dismissed the petition for the reason that on return of R.C. Book, the petitioner might alienate the vehicle.

3.The contention of the learned counsel for petitioner is that the petitioner requires R.C. Book for the limited purpose of renewal of Fitness Certificate and for national permit. He further undertakes to renew the Fitness Certificate and submit the attested photocopy of the same to the Court and retain the original R.C. Book, since it is required in transportation, when the vehicle is checked in the R.T.O. check post.

4.The learned Additional Public Prosecutor submitted that the petitioner is not an accused. The petitioner was granted return of lorry in Crl.M.P.No.4431 of 2024. His only objection is that the lorry should not be alienated and it should be available during trial. The condition of not to alter the vehicle has already been imposed in Crl.M.P.No.4431 of 2024.

5.Considering the submission made and on perusal of the material it is seen that petitioner is not an accused. The vehicle is a transport lorry, which is regularly functioning from Tamil Nadu to Andhra Pradesh to purchase vegetables for petitioner's business. The vehicle was already returned by the



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trial Court in Crl.M.P.No.4431 of 2024. At that time one of the conditions imposed is Registration Certificate to be returned. Now the Registration Certificate is required for the purpose of renewal.

6.In view of the same, the impugned order dated 25.07.2024 passed by the learned V Metropolitan Magistrate, Egmore, Chennai in Crl.M.P.No.38807 of 2024 is set aside. The trial Court is directed to return/hand over the original R.C. Book to the petitioner enabling him to renew Fitness Certificate and national permit. The petitioner shall submit a self attested photostat copy of R.C. Book before the trial Court with an affidavit of undertaking that he will not further alienate, encumber or tamper the vehicle and he shall produce the vehicle as and when directed by the trial Court.

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

30.09.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
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To

- 1.The Inspector of Police,
K-10, Koyambedu Police Station,
Koyambedu, Chennai.
- 2.The V Metropolitan Magistrate,
Egmore, Chennai-8.
- 3.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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