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Crl.R.C.No.166 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2024

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.166 of 2024

Saravanakumar

... Petitioner

Vs.

State rep by

The Inspector of Police,

Erode North Police Station,

Coimbatore.

(Crime No.382/2022)

... Respondent

PRAYER: Criminal Revision Case has been filed under Sections 397 and 401 of Cr.P.C, praying to call for the records in connection with the Crl.M.P.No.973 of 2023 dated 08.05.2023 passed by the Hon'ble Judge, Special Court Essential Commodities Act Cases, Coimbatore and set aside the same as illegal and improper and direct to return of the vehicle bearing registration number TN 45 BL 2093 to the petitioner.

For Petitioner : Mr.B.Poul

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)



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ORDER

This Criminal Revision Petition has been filed seeking to set aside the order in Crl.M.P.No.973 of 2023 dated 08.05.2023 passed by the learned Additional District Judge/Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore as illegal and improper and direct to return the vehicle bearing registration number TN-45-BL-2093 to the petitioner.

2.The petitioner had filed a return of property petition in C.M.P.No.120 of 2023 before the Lower Court seeking return of cell phone and Bajaj Daminar motor bike bearing registration No.TN-45-BL-2093. The Lower Court by order dated 10.02.2023 granted interim custody of the properties with certain conditions. One of the conditions was that petitioner to produce the original R.C. Book of the vehicle and submit the same to the custody of the Lower Court.



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3.The learned counsel for petitioner submitted that he is the second owner to the vehicle. The petitioner had purchased the vehicle from one Mohammed Rafik of Trichy on 07.06.2022. Thereafter Form 29 obtained and the original Form 29 was submitted before the Lower Court. But the name of the petitioner is not registered in the registration certificate of the vehicle. In the meanwhile the petitioner also taken finance by unregistered hypothecation from one Shree Kannan Finance, Erode. For the above said reason the R.C. Book stands in the name of Mohammed Rafik till date. After coming to know about the same the petitioner filed C.M.P.No.973 of 2023 seeking to hand over the vehicle since the transport authorities are insisting for the vehicle to be produced and inspected when the name transfer is made. This petition was dismissed on 08.05.2023, against which the present revision.

4.The learned Government Advocate on instructions submits that the respondent police had enquired Mohammed Rafik, Trichy and confirmed



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that he had sold the vehicle to the petitioner on 07.06.2022 and the registration certificate of the vehicle is still in the name of Mohammed Rafik.

He had also submitted that Form 29 confirms that the vehicle has been sold and delivered to the petitioner and it was in the possession and usage of the petitioner.

5.Considering the submissions made and on perusal of the materials available on record, no doubt the registration certificate of vehicle TN-45-BL-2093 stands in the name of Mohammed Rafik, Trichy. The vehicle had been sold and handed over to the petitioner. Form 29 confirms the same. It is represented that original Form 29 is before the Lower Court. The petitioner becomes the owner of the vehicle from 07.06.2022 but the name has not been registered in the Registration Certificate. Otherwise all other formalities completed.

6.In view of the same, the impugned order passed in Crl.M.P.No.973 of 2023 dated 08.05.2023 by the learned Additional District



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Judge/Presiding Officer, Special Court for EC Act Cases, Coimbatore is set aside and the Lower Court is directed to hand over the vehicle to the petitioner along with Form 29 and other original documents of the vehicle, if it is available with the Court, enabling the petitioner to get register the vehicle in his name and thereafter to produce the self attested photostat copy of the registration certificate before the Lower Court. This exercise of producing the registration certificate to be completed within 30 days from the date of return of the vehicle. The concerned Regional Transport Officer is directed to carry out the registration, if it is otherwise in order, without delay.

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

02.02.2024

Index : Yes/No

Internet : Yes/No

Speaking order / Non-speaking order

Neutral Citation : Yes/No

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M.NIRMAL KUMAR, J.

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To

- 1.The Inspector of Police,
Erode North Police Station,
Coimbatore.
- 2.The Additional District Judge/Presiding Officer,
Special Court for Essential Commodities Act Cases,
Coimbatore.
- 3.The Public Prosecutor,
High Court, Madras.

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