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Crl.R.C. No. 1944 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2024

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.R.C. No. 1944 of 2024

Santhira

..Petitioner

Vs.

The State rep. by
The Inspector of Police,
Ulundurpet Police Station,
Kallakurichi District.
(Cr.No. 102 of 2024)

..Respondent

Prayer: Criminal Revision under Sections 438 & 442 of BNSS, 2023 to
set aside the order dated 15.10.2024 made in Crl.M.P. No. 3363 of 2024 by
learned Judicial Magistrate No.1, Ulundurpet at Kallakurichi District.

For Petitioner :: Mr.M. Sarathkumar for
Mr.V. Parthiban

For Respondent :: Mr.V.J. Priyadarsana
Govt. Advocate (Crl.Side)
O R D E R

The revision has been filed challenging the dismissal of the petitioner's



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application filed under Section 451 Cr.P.C. for return of R.C. book of the tipper lorry owned by him.

2. The petitioner is accused in Crime No. 102 of 2024 registered for offences under Sections 379 IPC read with 21(1) of Mines and Minerals (Development and Regulation) Act, 1957. During the course of investigation, the tipper lorry belonging to the petitioner bearing Registration No.TN 31 AS 1766 was seized by the respondent Police. The petitioner filed a petition in Crl.M.P. No. 1011 of 2022 for return of the property before the learned Judicial Magistrate No.I, Ulundurpet under Section 451 Cr.P.C. Learned Judicial Magistrate No.I, Ulundurpet ordered return of lorry inter alia on condition that the R.C. Book of the petitioner shall be surrendered to the Court and kept in Court custody. Thereafter, the petitioner filed Crl.M.P. No. 3363 of 2024 seeking return of R.C. Book for a period of one month for the purpose of obtaining fitness certificate. However, the said petition was dismissed by the order under challenge.

3. Learned counsel for the petitioner would submit that without the original R.C. Book, fitness certificate cannot be applied for and if the vehicle is plied without the fitness certificate, then the petitioner would be



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liable for penal consequences.

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4. Learned Government Advocate (Crl.Side), on instructions, would submit that R.C. Book can be returned for an interim period on stringent conditions considering the submission of the learned counsel for the petitioner.

5. Heard both sides.

6. This Court is of the view that the request made by the learned counsel for the petitioner is reasonable and the R.C. Book can be returned to the petitioner subject to certain conditions.

7. Hence, the order of the learned Judicial Magistrate No.1, Ulundurpet, dated 15.10.2024 is set aside and the R.C. Book pertaining to the petitioner's tipper lorry bearing Registration No. TN 31 AS 1766 is directed to be returned to her for a period of eight weeks on the following conditions:

(i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a likesum to the satisfaction of Judicial Magistrate No.I, Ulundurpet;



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(ii) The petitioner shall produce xerox copy of the R.C.

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(iii) The petitioner shall not alienate or encumber the vehicle; and

(iv) The petitioner shall surrender her R.C. Book on or before 13.01.2025.

8. The criminal revision stands disposed of with the above directions.

15.11.2024

nv

To

1. The Judicial Magistrate No.1,
Ulundurpet.
2. The Inspector of Police,
Ulundurpet Police Station,
Kallakurichi District.
3. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN,J.

nv

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