



Crl.R.C.(MD) No.92 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2024

CORAM

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

Crl.R.C.(MD) No.92 of 2024

Prince

...Petitioner

Vs.

The State, Rep. by its
The Inspector of Police,
Kulasekharam Police Station,
Kanniyakumari District.
Crime No.315 of 2021

...Respondent

PRAYER : Criminal Revision Case has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to the order of the learned Principal Sessions Judge, Kanyakumari District at Nagercoil in Crl.M.P.No.6990 of 2023 dated 24.01.2024 in Spl.S.C.No.212 of 2023 filed by the petitioner under Section 451 of Cr.P.C and set aside the same as illegal and order to Judicial Magistrate No.II Padmanabhapuram in Crime No.315 of 2021 to return the RC Book of the vehicle Registration bearing No.TN 74 R 7866 to the petitioner by allowing the above criminal revision petition as prayed for.



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For Petitioner : Mr.Prabhu Selvakumar
For Respondent : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

This Criminal Revision Case has been filed by the revision petitioner against the order dated 24.01.2024 in Crl.M.P.No.6990 of 2023 in Spl.S.C.No.212 of 2023 on the file of the learned Judicial Magistrate No.II Padmanabhapuram.

2. It is the case of the revision petitioner that the petitioner is the owner cum driver of the vehicle bearing registration No.TN 74 R 7866 and the said vehicle was seized by the respondent police in Crime No.315 of 2021 for the offence punishable under Section 379 of IPC. The petitioner has filed a petition under Section 451 of Cr.P.C. before the learned Principal Sessions Judge, Kanyakumari District, Nagercoil in Cr.M.P.No. 3358 of 2021 seeking for interim custody of the said vehicle and the same was ordered subject to the condition that the petitioner shall produce the



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original Registration Certificate (hereinafter 'RC' for the sake of brevity) of the vehicle before the learned Judicial Magistrate No.II, Padmanabhapuram. Since the petitioner needs the original RC for the renewal of Fitness Certificate (hereinafter 'FC' for the sake of convenience) of the vehicle, he has filed Crl.M.P.No.6990 of 2023 seeking return of original RC of the said vehicle and the same was dismissed by the learned Judicial Magistrate No.II, Padmanabhapuram. Aggrieved over the same, the present revision has been filed by the petitioner.

3. Learned counsel for the petitioner submitted that the FC for alleged vehicle was expired on 31.03.2023 and for the purpose of renewal, the vehicle is required to be produced before the RTO Office, Nagercoil, along with the original RC and hence, he prayed that the RC of the vehicle may be ordered to be returned to the petitioner.

4. On the other hand, learned Additional Public Prosecutor opposed the submissions of the learned counsel for the petitioner on the ground that the petitioner has not complied with the conditions imposed by the learned Principal Sessions Judge, Kanyakumari District, Nagercoil vide its order



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dated 06.08.2021 in Cr.M.P.No.3358 of 2021. He further contended that if the RC is returned to the petitioner, the vehicle would be sold.

5. In view of the submissions made by the learned Additional Public Prosecutor and also taking note of the fact that the petitioner has not complied with the order of the Court below, this Court is not inclined to interfere with the order of the learned Judicial Magistrate No.II, Padmanabhapuram.

6. Accordingly, the order passed by the learned Judicial Magistrate No.II, Padmanabhapuram, in CrI.M.P.No.6990 of 2023, dated 24.01.2024, stands confirmed and the Criminal Revision Case is dismissed.

02.02.2024

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

PKN



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To

- 1.The Inspector of Police,
Kulasekharam Police Station,
Kanniyakumari District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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VIVEK KUMAR SINGH, J.

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