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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Criminal Appellate Jurisdiction

Tuesday, the Twenty Seventh day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD). No.2337 of 2024
in
CRL RC(MD)No.564 of 2023

M.Marbin Nevil
S/o.Maria Thankarajan

... Petitioner/Petitioner

Vs

1 The Inspector of Police,
Radhapuram Police Station,
Tirunelveli District.
(Crime No.55 of 2023)

... Respondent/Respondent

Prayer :-

Criminal Miscellaneous Petition Under Section 482 of Cr.P.C to Direct the Judicial Magistrate Radhapuram to return the original RC book of Ashok Leyland Ltd Box Tipper Vehicle bearing registration No.TN-75-AU-1423 deposited in view of the order in Crl.RC(MD).No.564/2023 dated 12.06.2023 for the purpose of renewal.

Prayer in CRL RC(MD). 564/ 2023 :

This Criminal Revision has been filed under sections 397 r/w 401 of Cr.P.C., to call for the records relating to the order passed by the learned Judicial Magistrate, Radhapuram in Cr.MP.No.2375 of 2023 dated 21.04.2023 set aside the same and allow this revision petition.

ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/s. C.Susukumar, Advocate for the Petitioner and of M/s. A.Thiruvadi Kumar, Government Advocate for the respondents, this Court made the following order:



The petitioner has filed this Criminal Miscellaneous Petition praying to direct the learned District Munsif-cum-Judicial Magistrate Radhapuram to return the original RC book of Ashok Leyland Ltd., Box Tipper Vehicle bearing registration No.TN-75-AU-1423 which was handed over to the Court in compliance of the order dated 12.06.2023 passed by this Court in CrI.R.C(MD)No.564 of 2023 for the purpose of renewal.

2. It is submitted by the learned counsel for the petitioner that on 21.03.2023 at about 23.30 hours, the petitioner's lorry bearing registration No.TN-75-AU-1423 was seized by the respondent police for the reason that the lorry carried mineral beyond the permitted weight. Thereafter, FIR came to be registered in Crime No.55 of 2023. Since the petitioner's application, seeking interim custody, was dismissed by the learned District Munsif-cum-Judicial Magistrate, Radhapuram, he approached this Court by filing CrI.R.C(MD)No.564 of 2023. This Court, vide order dated 12.06.2023 allowed the revision with certain conditions. The petitioner has complied with the said conditions. One of the condition is to submit the original Registration Certificate. Now, the petitioner wants the original RC book for renewal purpose and he applied for interim custody of the original RC book along with all relevant documents wherein the learned Magistrate, without even numbering the application, returned the said application as not maintainable. Hence, this petition.



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3. This Court has considered the submission of the learned counsel for the petitioner and also satisfied with the reasons stated in the affidavit filed in support of this petition. In view of the same, the learned District Munsif-cum-Judicial Magistrate, Radhapuram, is directed to return the original RC book to the petitioner immediately subject to the condition that, it would be returned within a period of two weeks, ie., by 15.03.2024.

4. Accordingly, this Criminal Miscellaneous Petition is allowed.

Sd/-

Assistant Registrar(C.O)

// True Copy //

/03/2024

Sub Assistant Registrar
(CS - I/ II / III / IV)

TO

1. The District Munsif cum Judicial Magistrate,
Radhapuram.
2. The Inspector of Police,
Radhapuram Police Station,
Tirunelveli
District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



+ 1 CC TO M/s.C.Susikumar,Sr.8092.

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ORDER DATED : 27/02/2024

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ORDER

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CRL MP(MD). No.2337 of 2024
in
CRL RC(MD)No.564 of 2023

Giving direction and etc.
as stated within.

SSA (11.03.2024) 4P/ 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.