



Crl.R.C(MD)No.1339 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2024

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THE HONOURABLE MR.JUSTICE P.VADAMALAI

Crl.R.C(MD)No.1339 of 2024

Tamilselvi

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
A.Muklulam Police Station,
Virudhunagar District.
(Crime No.65 of 2021)

... Respondent

PRAYER : Criminal Revision Petition filed under Section 438 r/w 442 of BNSS, to call for the records pertaining to the order in Cr.M.P.No.735 of 2024, dated 19.11.2024 passed by the District Munsif-cum-Judicial Magistrate Court, Thiruchuli and set aside the same by allowing the criminal revision petition.

For Petitioner : Mr.K.Shankar
For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor



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ORDER

This Criminal Revision Case has been filed to set aside the order, dated 19.11.2024 made in Cr.M.P.No.735 of 2024 on the file of the learned District Munsif-cum-Judicial Magistrate, Thiruchuli.

2. The petitioner is the owner of the vehicle viz., Tipper Lorry bearing Registration No.TN-59-AW-9568. On 13.09.2021, the respondent police seized the aforesaid vehicle and registered a case in Crime No.65 of 2021 on the ground that the Tipper Lorry was involved in commission of offence under Section 379 of IPC r/w 21(1) of the Mines and Minerals (Development and Regulation) Act. Hence, the revision petitioner filed the petition in Crl.M.P.No.2635 of 2021 for return of vehicle before the Principal District and Sessions Court, Virudhunagar District at Srivilliputhur and the same was allowed on 20.12.2021. As per the order of the learned Judge, the revision petitioner produced the original R.C.Book to the concerned Court and received his vehicle.

3. It is not in dispute that the petitioner has approached the learned District Munsiff-cum-Judicial Magistrate, Thiruchuli by filing a petition for the return of original RC Book for the vehicle viz. Tipper Lorry bearing



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Registration No.TN-59-AW-9568 in Cr.M.P.No.735 of 2024 and the learned District Munsiff-cum-Judicial Magistrate, Thiruchuli vide order, dated 19.11.2024 has dismissed the said petition. Aggrieved by the order of dismissal, the petitioner has now come forward with the present revision.

4. Heard the learned counsel appearing for the revision petitioner and the learned Additional Public Prosecutor appearing for the respondent.

5. The learned counsel appearing for the petitioner would submit that the original R.C.Book is now required for obtaining fitness certificate for the vehicle viz. Tipper Lorry bearing Registration No.TN-59-AW-9568. Hence, he prays this Court to direct the learned District Munsif-cum-Judicial Magistrate, Thiruchuli to return the R.C.Book of the vehicle to the petitioner for a period of one month.

6. The learned Additional Public Prosecutor appearing for the respondent has not raised any objection to the submission made by the learned counsel for the petitioner.



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7. Considering the above facts and circumstances of the case, this Court is inclined to direct the trial Court to return the original RC Book of the vehicle, viz. Tipper Lorry bearing Registration No.TN-59-AW-9568 to the petitioner for a period of one month.

8. Accordingly, this Criminal Revision Case is allowed and the order, dated 19.11.2024 passed in Cr.M.P.No.735 of 2024 by the learned District Munsif-cum-Judicial Magistrate, Thiruchuli, is hereby set aside. The learned District Munsif-cum-Judicial Magistrate, Thiruchuli, is directed to return the original R.C.Book of the vehicle viz. Tipper Lorry bearing Registration No.TN-59-AW-9568 to the petitioner on proper acknowledgement for a period of one month from the date of receipt of a copy of this order.

9. It is also made clear that the petitioner shall re-deposit the R.C.Book before the learned District Munsif-cum-Judicial Magistrate, Thiruchuli within a period of one month from the date of receipt of original RC Book, without any default.

12.12.2024

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



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To

- 1.The District Munsif-cum-Judicial Magistrate,
Tiruchuli.
- 2.The The Inspector of Police,
A.Muklulam Police Station,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.VADAMALAI, J.

VSD

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