



Crl.R.C.(MD)No.1354 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.12.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Crl.R.C.(MD)No.1354 of 2024

Kathiravan

... Petitioner

Vs.

The State of TamilNadu,
Represented by the Inspector of Police,
Peetaivaithalai Police Station,
Tiruchirapalli District
(Crime No.89 of 2021)

... Respondent

PRAYER : Criminal Revision Petition filed under Section 438 r/w 442 BNSS, to call for the entire records pertaining to the order passed by the learned District Munsif cum Judicial Magistrate, Srirangam, Tiruchirapalli District in Crl.M.P.No.2481 of 2024 vide order dated 13.08.2024 and set aside the same and consequently, direct the learned District Munsif cum Judicial Magistrate, Srirangam, Tiruchirapalli District to return the petitioner's original RC Book pertaining to his vehicle (Hyundai i20 Sportz CRDI BS IV) bearing registration No.TN-48-AF-7234 kept in the custody of the above said Court in connection with the case in Crime No.89 of 2021 on the file of the respondent police.



Crl.R.C.(MD)No.1354 of 2024

WEB COPY

For Petitioner : Mr.R.L.Dhilipan Pandian

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

The Criminal Revision Case is directed against the order, dated 13.08.2024, passed in Crl.M.P.No.2481 of 2024 on the file of the learned District Munsif cum Judicial Magistrate, Srirangam dismissing the petition filed under Section 498 of BNSS.

2. The petitioner/3rd party is the owner of the vehicle Hyundai i20 Sportz CRDI BS IV car bearing Registration No.TN-48-AF-7234. On 25.03.2021, the respondent police seized the said vehicle for an occurrence took place on 23.03.2021, and registered a case in Crime No. 89 of 2021 for the offence under Sections 120(b), 395 r/w 397 r/w 109, 120(b) r/w 109, 395 r/w 397 of IPC. The respondent, after completing the investigation, has filed a final report and the same was taken on file in S.C.No.51 of 2022 on the file of the learned I Additional District and Sessions Judge (PCR), Tiruchirapalli.



Crl.R.C.(MD)No.1354 of 2024

WEB COPY

3. In the mean time, the petitioner/3rd party has filed a petition, in Cr.M.P.No.749 of 2021, before the learned District Munsif cum Judicial Magistrate, Srirangam seeking interim custody of the vehicle bearing Registration No.TN-48-AF-7234. The learned Judicial Magistrate, vide order dated 21.04.2021, inclined to return the said vehicle on interim custody to the petitioner on certain conditions. One of the conditions is that the original RC Book of the vehicle shall be produced before the Court. After complying all the conditions imposed on him, the petitioner got his vehicle on interim custody.

4. It is not in dispute that the petitioner has approached the learned District Munsif cum Judicial Magistrate, Srirangam by filing a petition for the return of original RC Book of the vehicle bearing Registration No.TN-48-AF-7234 in Crl.M.P.No.2481 of 2024, and the learned District Munsif cum Judicial Magistrate, Srirangam vide his order, dated 13.08.2024, has dismissed the said petition. Aggrieved by the order of dismissal, the petitioner has now come forward with the present revision.



Crl.R.C.(MD)No.1354 of 2024

WEB COPY

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

6. The learned counsel appearing for the petitioner would submit that the case, in S.C.No.51 of 2022 on the file of the learned I Additional District and Sessions Judge (PCR), Tiruchirapalli, has already been ended in acquittal on 27.10.2023, and no appeal has been preferred by the respondent so far. Hence, the original RC Book of the vehicle, which was deposited by the petitioner in pursuant to the order passed, in Cr.M.P.No.749 of 2021, by the learned District Munsif cum Judicial Magistrate, Srirangam, may be returned to the petitioner, since the main case itself has been disposed of.

7. The learned Additional Public Prosecutor appearing for the respondent would submit that the respondent has no objection to return the original RC Book, since the appeal period has been over and no appeal has been preferred against the order of acquittal passed by the trial Court.



Crl.R.C.(MD)No.1354 of 2024

WEB COPY

8. Considering the above facts and circumstances of the case, and also considering the fact that the respondent has tendered no objection to return the original RC Book, this Court is inclined to direct the Court below to return the original RC Book of the vehicle bearing Registration No.TN-48-AF-7234 to the petitioner.

9. Accordingly, this Criminal Revision Case is allowed, and the order, dated 13.08.2024, passed in Crl.M.P.No.2481 of 2024 by the learned District Munsif cum Judicial Magistrate, Srirangam is hereby set aside, and the learned District Munsif cum Judicial Magistrate, Srirangam is directed to return the original RC Book of the vehicle, Hyundai i20 Sportz CRDI BS IV car bearing Registration No.TN-48-AF-7234, to the petitioner on proper acknowledgement.

16.12.2024

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



WEB COPY



Crl.R.C.(MD)No.1354 of 2024

P.VADAMALAI, J.

mkkn

To

- 1.The District Munsif cum Judicial Magistrate,
Srirangam, Tiruchirapalli District.
- 2.The Inspector of Police,
Peetaivaithalai Police Station,
Tiruchirapalli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.R.C.(MD)No.1354 of 2024

16.12.2024