



CRL RC(MD)No.554 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.06.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL RC(MD)No.554 of 2025

Thirumurugan

... Petitioner / Accused

Vs.

State of Tamil Nadu,
Rep. by the Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.
(Crime No.337/2021)

... Respondent / Respondent

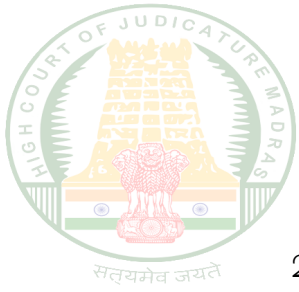
PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, to call for the records and set aside the order passed by the learned Principal Sessions Judge, Sivagangai, in unnumbered Cr.M.P.No. of 2024 dated 25.10.2024.

For Petitioner : Mr.Praburamachandran

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

ORDER

This Criminal Revision Petition is filed to call for the records and set aside the order passed by the learned Principal Sessions Judge, Sivagangai, in unnumbered Cr.M.P.No. of 2024 dated 25.10.2024.



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2. The petitioner had filed a petition under Section 451 and 457 of Cr.P.C., seeking return of his heavy goods vehicle bearing registration No.TN 64C 8794 before the learned Principal Sessions Judge, Sivagangai, in Crl.M.P.No.2609 of 2022. The aforesaid Court, by order dated 30.06.2022 allowed the petition on the condition that the petitioner shall deposit the photostat of the registration certificate of the aforesaid vehicle. However, in compliance of the said order, the petitioner had deposited his original RC book before the learned Principal Sessions Judge, Sivagangai. While being so, only on 12.08.2022, he made an application to return his original RC book for the reason that he has to get fitness certificate of his heavy goods vehicle. Heeding to his request, the learned Principal Sessions Judge had passed an order allowing the said petition and returning back his RC book, however, with the condition to return the same after getting fitness certificate for his vehicle.

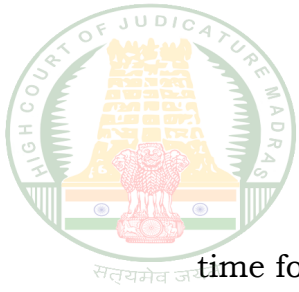
3. In the meanwhile, having obtained fitness certificate for his vehicle, the petitioner failed to return the RC book. Hence, the learned Principal Sessions Judge, Sivagangai, had issued a notice for return of RC book concerned in crime No.337 of 2021, deposited in Spl.C.C.No.58 of 2020 pertaining to the vehicle bearing registration No.TN 64C 8794.



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In response to the same, the petitioner had filed the unnumbered Criminal M.P. of 2024 seeking 10 months extension of time on the ground that he is not well. In response to the same, the learned Principal Sessions Judge had issued a notice to the Regional Transport Office, Madurai, seeking the details as to whether the petitioner had obtained fitness for his heavy goods vehicle and received the RC book, for which, a report has been received by the learned Principal Sessions Judge, Sivagangai, from the RTO office, stating that already the process of fitness has been completed and the RC book has been returned back to the petitioner.

4. Recording the same, the learned Principal Sessions Judge, came to understand that the condition imposed upon the petitioner was not complied with by producing the original RC Book. Further, the notice was issued on 26.09.2021 calling upon the petitioner as to why action shall not be taken against him and against the sureties, for which the petitioner again reported that he is not well and the financier has already seized the vehicle for a due amount of Rs.4,79,500/- (Rupees Four Lakh Ninety Nine Thousand and Five Hundred only) and that in spite of his request in this regard, the financier had refused to return the original RC book. For such reasons, he sought 10 months



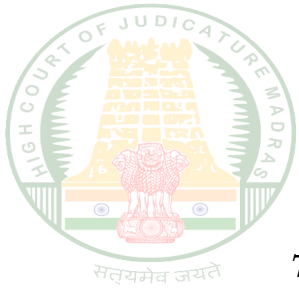
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time for return of RC Book.

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5. However, the learned Principal Sessions Judge, recording the fact that when the case is pending before the learned Trial Court, the petitioner ought not to have handed over the RC book to the financier for his custody without the permission from the Court, despite issuance of two notices from the Court. Hence, the Court directed to forfeit the amount of Rs.1,00,000/- which was earlier deposited by the petitioner in CrI.M.P.No.2609 of 2022 in the interim order dated 30.06.2022 and remit the same to the Government and the RTO concerned was further intimated that there shall not be any transaction of the vehicle or renewal of FC in further since the petitioner had violated the condition in CrI.M.P.No.2609 of 2022. Challenging the said direction of the learned Trial Court, this Criminal Revision case is preferred.

6. The learned counsel for the petitioner submitted that the petitioner had settled his dues with the finance company and has obtained the original RC book and he is ready to produce the original RC Book before the learned Principal Sessions Judge, Sivagangai.

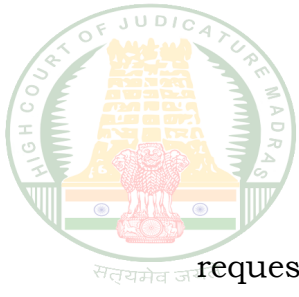


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7. Per contra, Mr.S.Ravi, the learned Additional Public Prosecutor, categorically contended that having received the RC book on the guise of getting fitness to his vehicle on 12.08.2022, the petitioner duly obtained fitness on 06.10.2022 and renewed the fitness certificate thereafter without handing over the RC book in terms of the order of the learned Principal Sessions Judge, he further kept the RC book with the finance company and obtained a loan on 09.11.2022 playing fraud on the Court and the attitude of the petitioner for having played fraud on the Court cannot be taken as easily and insisted for dismissal of the Criminal Revision case.

8. Heard the learned counsels on either sides and carefully perused the material available on records.

9. Though the contention of the learned Additional Public Prosecutor is taken in the right spirit by this Court, this Court is of the considered view that when the petitioner himself is ready to hand over the original RC book back to the learned Principal Sessions Judge, Sivagangai, in the pending crime in crime No.337 of 2021 in Spl.C.C.No. 58 of 2020, this Court is of the considered view that the petitioner's



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request could have been accepted. However, to make him understand his duty towards obliging the orders of the Court, this Court imposes a heavy cost of Rs.25,000/- (Rupees Twenty Five Thousand only) to the Legal Services Authority of Sivagangai District. On payment of the same, the petitioner is also directed to hand over the original RC book within a period of two (2) weeks from the date of receipt of a copy of this order. The order passed by the learned Principal Sessions Judge, Sivagangai, dated 25.10.2024 is hereby set aside. If the petitioner does not comply with the order in letter in spirit, the order dated 25.10.2024 by the learned Principal Sessions Judge, Sivagangai, in Crl.M.P.No. of 2024 would be automatically restored.

10. Accordingly, this Criminal Revision case is allowed.

11.06.2025

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

1.The Principal Sessions Judge,
Sivagangai.

2.The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.,

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