

IN THE COURT OF JUDICIAL MAGISTRATE No.II, DHARMAPURI

**Present: Selvi. R. MADHUVARSHINI, B.A.,B.L.,(HONS)
Judicial Magistrate, Additional Mahila Court, Dharmapuri.
Judicial Magistrate No.II, (FAC) Dharmapuri**

Monday, the 22nd day of July 2024

Cr.M.P. No.3815/2024

In

Cr.No.26/2022

**Manikandan,
S/o.Arjunan**

.....Petitioner / Owner of the Vehicle

//Versus//

**The State represented by
Inspector of Police
Adhiyamankottai Police Station,
Dharmapuri.**

.... Respondent / Complainant

This petition taken on file on 24.06.2024 and came up today for final hearing. Upon hearing arguments of both the sides and upon perusal of records, this court delivers the following

ORDER

1. The Petitioner who is the owner of the vehicle Ashok Leyland Lorry, Reg.No. TN-11-AM-4584 in Cr.No.26/2022 of Adhiyamankottai PS U/s.273,328 of IPC r/w 7(1), 20(1) COTPA Act has filed this petition U/s 451 of CrPC and praying interim custody of his vehicle's RC Book which was in the custody of this Court. The Petitioner prays for returning his RC Book in interim custody and prays for allowing this petition.

2. The Prosecution has replied that, there is objection for retuning RC Book as the petitioner will make alteration or sell the case property. The prosecution objected to return the RC Book.

3. On the perusal of the case records, it discloses that the case property RC Book of Ashok Leyland Lorry, Reg.No. TN-11-AM-4584 in Cr.No.26/2022 of Adhiyamankottai PS is in the custody of the court.

4. So far as handing over the property is concerned, the Hon'ble Supreme Court in a **Sunderbhai Ambalal Desai v. State of Gujarat, reported in 2002 AIR SCW 5301**, has dealt with the power of the court U/s 451 CrPC regarding disposal of the property pending trial.

5. Admittedly in this case, the RC Book of the vehicle is within the custody of this court. Considering the facts and circumstances of this case, this court views, it is of no use to keep the case property within the custody of this court for a long period. The reason stated by the petitioner that RC Book of the vehicle needed for the purpose to get F.C of the vehicle is acceptable.

6. Hence, the petition is **ALLOWED** and it is ordered that the RC Book of Ashok Leyland Lorry, Reg.No. TN-11-AM-4584 in Cr.No.26/2022 of Adhiyamankottai PS received by this court, be handed over to the petitioner towards interim custody for the period of 1 month and on 21.08.2024, the petitioner shall surrender the RC book before this court.

Typed by me in my laptop, corrected and pronounced by me in the open court on this Monday, the 22nd day of July, 2024.

-/ R. MADHUVARSHINI/-

**Judicial Magistrate
Additional Mahila Court, Dharmapuri.
(FAC) Judicial Magistrate No.II
Dharmapuri.**