



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 30.01.2015

CORAM:
THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WEB COPY

Crl.R.C.(MD)NO.35 of 2015

R.Kamayan .. Petitioner/Owner of the vehicle

Vs.

State represented by
The Inspector of Police,
Keelavalavu Police Station,
Madurai District.
In Crime No.446 of 2014 ... Respondent/Complainant

Prayer: Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C., to call for the records pertaining to the order passed in Cr.M.P.No.26 of 2015 dated 07.01.2015 passed by the learned Judicial Magistrate, Melur, Madurai District allowing the petition filed by the petitioner under Section 457 Cr.P.C. to return the vehicles of the petitioner for his interim custody and set aside the conditions No.1 and 2 in the order in Crl.M.P.No.26 of 2015, dated 07.01.2015, on the file of the learned Judicial Magistrate, Melur, Madurai District.

For Petitioner	: Mr.M.Jegadeeshpandian
For Respondent	: Mr.P.Kandasamy
	Government Advocate (Crl.side)

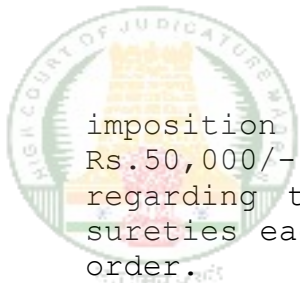
ORDER

By consent, this Criminal Revision Case is taken up for final disposal at the stage of admission itself.

2. The petitioner claims to be the owner of the tipper lorry bearing Registration No.TN-28-L-4748, bearing Engine No.PWE 395391 and Chasis NO.PWE 530119.

3. The learned Counsel appearing for the petitioner would submit that the vehicle in question was seized on 16.12.2014 for the alleged transportation of gravel sand from the dry water body belongs to the Government and in this regard, the respondent registered a case in Cr.No.446 of 2014 for the commission of offence under Section 379 r/w Mines and Minerals (Regulation and Development) Act. The petitioner filed Cr.M.P.No.26 of 2015 invoking the provisions under Section 457 of the Code of Criminal Procedure for return of vehicle and it was ordered on 07.01.2015, subject to the conditions that the petitioner should deposit a sum of Rs.50,000/- and also executing a personal bond for Rs.2,00,000/- with two sureties for a likesum and produce the photocopy of the vehicle. The petitioner aggrieved by the imposition of onerous conditions, he has filed this Criminal Revision.

4. The learned Counsel appearing for the petitioner would submit that the year of manufacture of the vehicle is 2004 and in any event, the



imposition of the condition directing the petitioner to deposit a sum of Rs.50,000/- is onerous and he is willing to abide by the other conditions regarding the execution of a personal bond for Rs.2,00,000/- with two sureties each for a likesum and hence, prays for modification of the said order.

WEB COPY

5. Per contra, the learned Government Advocate(Crl.Side) appearing for the respondent would submit that since the vehicle, being a tipper lorry, has transported the gravel sand from the dry water body belongs to the Government, it was seized and the conditions were rightly imposed.

6. This Court after hearing the rival contentions made by the learned Counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent, is of the view that the condition No.1 requires modification. The lower Court, taking into consideration the year of the manufacture of the vehicle, has directed the petitioner to execute a personal bond for a sum of Rs.2,00,000/- with two sureties for likesum and also directed to produce the photocopy of the vehicle. Further directed the petitioner to deposit a sum of Rs.50,000/- in addition. In the considered opinion of this Court, the direction of directing the petitioner to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) is not warranted in the present facts and circumstances and therefore, the said condition alone requires to be deleted.

7. In the result, the Criminal Revision Case is partly allowed and the impugned order dated 07.01.2015, made in Cr.M.P.No.26 of 2015 is modified as follows:

(i) The petitioner should execute a personal bond for a sum of Rs.2,00,000/- (Rupees Two Lakhs only) with two sureties for likesum to the satisfaction of the Judicial Magistrate, Melur, Madurai District;

(ii) The petitioner shall not alienate and further encumber the vehicle;

(iii) The petitioner shall not alter the physical features of the vehicle; and

(iv) The petitioner shall produce the vehicle on the first working day of every English Calender Month before the Court of Judicial Magistrate, Melur, Madurai District, till the filing of the final report.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

ssl

To

1. The Judicial Magistrate, Melur, Madurai District.

2. The Inspector of Police, Keelavalavu Police Station, Madurai District.

3. The Additional Public Prosecutor,

Madurai Bench of Madras High Court, Madurai.

+1cc to M/S.K.J.ASSOCIATES IN Sr NO.4469

Crl.R.C. (MD) NO.35 of 2015

30.01.2015