



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2019

CORAM

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THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI**

Crl.R.C(MD)No.916 of 2019

Soman@Somasundram

... Petitioner

Vs.

The State Rep. by
The Sub Inspector of Police,
Vangal Police Station,
Karur District.
(In Crime No.236 of 2019)

...Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the order in Crl.M.P.No.1321 of 2019 in R.P.No.570 of 2019 on the file of the Principal Sessions Judge, Karur, dated 07.11.2019 in Crime No.236 of 2019 on the file of the Sub Inspector of Police, Vangal Police Station, Karur District, consequently delete the condition No.1 in Crl.M.P.No.1321 of 2019, dated 07.11.2019 and direct the learned Principal Sessions Judge, Karur to hand over the interim custody of the vehicle bearing Registration No.TN-22-BB-1059 (Tipper Lorry) to the petitioner.

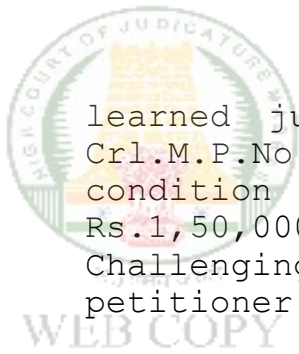
For Petitioner : Mr.S.Gokulraj

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl.side)

O R D E R

This Criminal Revision Petition has been filed to modify the 1st condition imposed by the learned Principal Sessions Judge, Karur in the order passed in Crl.M.P.No.1321 of 2019, dated 07.11.2019.

2.The petitioner claims to be the owner of the Tipper Lorry bearing Registration No.TN-22-BB-1059. On 08.10.2019, the respondent police intercepted the vehicle of the petitioner and seized the same on the allegation that it was used for carrying illegal river sand without any valid permit and registered a case in Crime No.236 of 2019 under Section 379 of IPC and 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 and thereafter, the vehicle is in the custody of the Court in R.P.No.570 of 2019. Subsequently, the petitioner approached the learned Principal Sessions Judge, Karur, by filing a petition for release of the Tipper Lorry and the



learned judge allowed the petition filed by the petitioner in Cr1.M.P.No.1321 of 2019, dated 07.11.2019, by imposing the 1st condition to the effect that the petitioner shall deposit a sum of Rs.1,50,000/- before the Judicial Magistrate No.II, Karur. Challenging the 1st condition imposed by the trial Court, the petitioner is before this Court with this criminal revision.

3.Heard the learned counsel appearing on either side and perused the materials available on record.

4.The learned counsel appearing for the petitioner submitted that the learned Judge failed to see that in similar circumstances this Court has imposed condition a sum of Rs.50,000/- for lorry. However, without considering the imposed such huge amount a sum of Rs.1,50,000/- is illegal and the same is liable to be deleted.

5.The only grievance of the petitioner is that the 1st condition imposed by the learned Principal Sessions Judge is onerous.

6.In view of that, this Criminal Revision is allowed. The order of the learned Principal Sessions Judge, Karur,made in Cr1.M.P.No.1321 of 2019, dated 07.11.2019 is set aside in respect of the 1st condition alone and it is modified to the effect that the petitioner shall deposit a sum of Rs.50,000/- before the learned Judicial Magistrate No.II, Karur to the credit of Crime No.236 of 2019 of Vangal Police Station. In respect of other conditions, the order of the learned Principal Sessions Judge shall remain unaltered.

Sd/-

Assistant Registrar(Records)

// True Copy //

Sub Assistant Registrar(CS)

vsd
to

1. The Judicial Magistrate No.II, Karur.
- 2.The Principal Sessions Judge, Karur.
3. The Chief Judicial Magistrate, Karur.
- 4.The Sub Inspector of Police,
Vangal Police Station,
Karur District.



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

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+1CC TO MR.S.GOKULRAJ, Advocate Sr. No. 104749

Cr1.R.C(MD)No.916 of 2019
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GRL(CO)
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