



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **13.12.2019**

CORAM

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

Crl.R.C(MD)No.927 of 2019

Vadivel

... Petitioner/Petitioner

Vs.

The State through
The Inspector of Police,
Vangal Police Station,
Karur District.
(In Crime No.170 of 2019)

...Respondent/Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records in pertaining to the order of the learned Principal Sessions Judge, Karur, dated 16.09.2019 made in Crl.M.P.No.1024 of 2019 and modify the 1st condition and allow this revision.

For Petitioner : Mr.K.Arunraj

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.1024 of 2019, dated 16.09.2019.

2.The petitioner claims to be the owner of the JCB bearing Registration No.TN-55-AH-0720. On 24.07.2019, 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.170 of 2019 under Section 379 of IPC r/w 21(1)(A)(B) of Mines and Minerals (Development & Regulation) Act, 1957 and thereafter, the vehicle is in the custody of the Court in R.P.No.548 of 2019. Subsequently, the petitioner approached the learned Principal Sessions Judge, Karur, by filing a petition for release of the JCB and the learned judge allowed the petition filed by the petitioner in Crl.M.P.No.1024 of 2019, dated 16.09.2019, by imposing the 1st condition to the effect that the petitioner shall deposit a sum of



Rs.2,00,000/- 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 only grievance of the petitioner is that the 1st condition imposed by the learned Principal Sessions Judge is onerous.

5.In view of that, this Criminal Revision is allowed. The order of the learned Principal Sessions Judge, Karur, made in Crl.M.P.No.1024 of 2019, dated 16.09.2019 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.170 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 (CS II)

// True Copy //

Sub Assistant Registrar(CS)

vsd

To

1.The Judicial Magistrate No.II,
Karur.

2.The Principal Sessions Judge,
Karur.

3.The Inspector of Police,
Vangal Police Station,
Karur District.

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

+1cc to Mr.K.ARUNRAJ, ADVOCATE, SR NO.104868