

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2020

CORAM:

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.R.C. No.661 of 2020

1 P. Srinivasan
2 E. Venkatachalam
3 C. Vijayaboopathi

Petitioners

vs.

The Inspector of Police
Ammamet Police Station
Erode District
(Cr. No.28 of 2020)

Respondent

Criminal Revision filed under Section 397 read with 401 Cr.P.C. seeking to set aside the condition nos.(ii) and (v) in the order dated 20.07.2020 passed in Crl.M.P. No.1230 of 2020 on the file of the Principal District Court, Erode.

For petitioners Mr. C. Murugendran
For respondent Mrs. P. Kritika Kamal
Govt. Advocate (Crl. Side)

O R D E R

This case is taken up through video conferencing.

2 The petitioners are the accused in Ammapet P.S. Cr.No.28 of 2020 for the offence under Section 379 IPC and Section 21(1) of the Mines and Minerals Act. The allegation against them is that they had smuggled river sand in three tipper lorries bearing Regn. Nos.TN 93 B 4038, TN 56 B 4659 and TN 93 5469. All the three tipper lorries were seized by the police and are now parked in the police station.

3 The petitioners filed Crl.M.P. No.1230 of 2020 under Section 451 Cr.P.C. in the Principal District Court, Erode, for interim custody of the aforesaid vehicles and by order dated 20.07.2020, the said petition was allowed and interim custody of the vehicles granted, of course, on certain conditions. Aggrieved by conditions nos.(ii) and (v) imposed in the said order, the petitioners have filed the instant criminal revision.

4 The learned counsel for the petitioners submitted that in condition no.(ii), the District Court, Erode, has directed the petitioners to execute a bond for Rs.5,00,000/- each with

two sureties, which they are not in a position to comply with and the same is excessive and that is why, they were not able to take custody of the vehicles till date. He also contended that the vehicle bearing no.TN 93 B 4038 was purchased by Srinivasan, the first petitioner, by taking vehicle loan from Hindustan Bank and hence, the original R.C. book of the said vehicle is with the said bank. Hence, he prayed that condition no.(v) which requires the petitioners to deposit the original R.C. book of the vehicles may be modified qua Srinivasan, the first petitioner alone.

5 The reasons proffered by the petitioners for seeking modification of the conditions imposed in the impugned order cannot be said to be unreasonable. Hence, this criminal revision is allowed in the following terms:

- i. The bond amount of Rs.5 lakhs stipulated in condition no. (ii) of the impugned order is reduced to Rs.1 lakh each;
- ii. Srinivasan, the first petitioner, shall produce the original R.C. book of his vehicle bearing no.TN 93 B 1438, to the Judicial Magistrate No.I, Bhavani and take it back and shall submit a photocopy of the same to the Judicial Magistrate No.I, Bhavani, and the police. He shall also file an affidavit of undertaking to the effect that he shall not, in any way, alienate or encumber the said vehicle without obtaining the leave of the Principal District Judge, Erode.
- iii. After the execution of bonds by the petitioners, the Judicial Magistrate No.I, Bhavani, shall send a communication to the Regional Transport Officer concerned stating that no transfer should be effected in respect of the three vehicles in question without the knowledge of the Principal District Court, Erode.
- iv. Rest of the conditions imposed in the impugned order dated 20.07.2020 shall remain unaltered.
- v. For any further modification of the order, it is not necessary for the petitioners to approach this Court and they can approach the Principal District Court, Erode.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

cad

To

1 The Inspector of Police
Ammamet Police Statioin
Erode Disrict

2 The Principal District and Sessions Judge
Erode

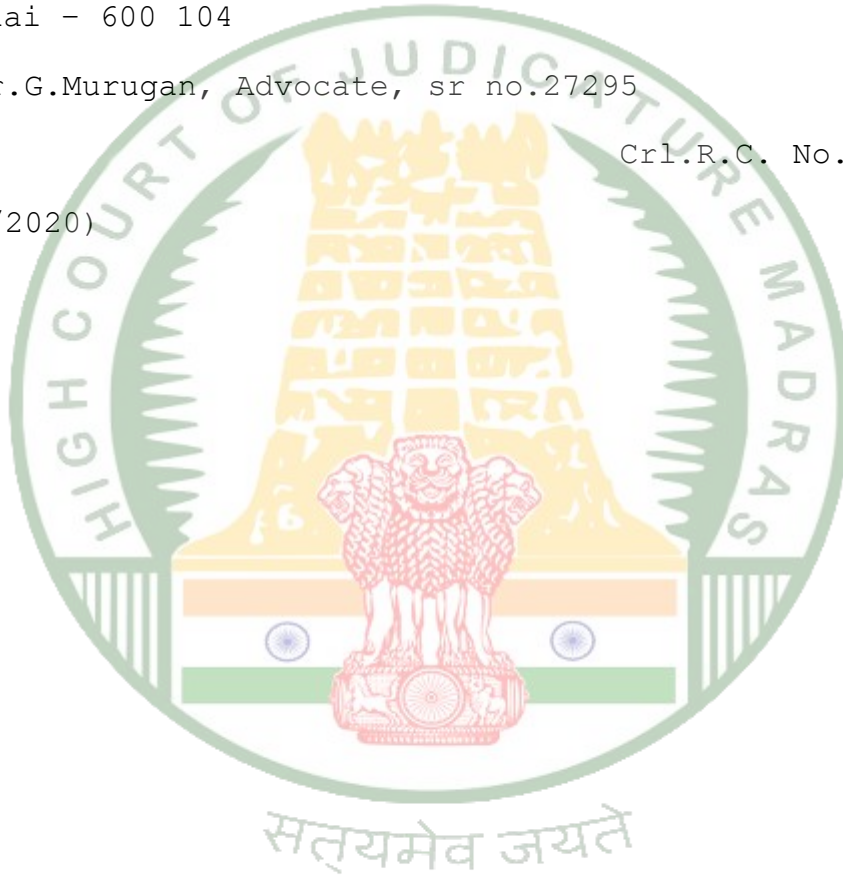
3 The Public Prosecutor,
Madras High Court,
Chennai - 600 104

+1cc to Mr.G.Murugan, Advocate, sr no.27295

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RGN (CO)

RMP (01/09/2020)



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