



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **29.01.2020**

CORAM

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

WEB COPY

Crl.R.C(MD)No.74 of 2020

Muthukumar

... Petitioner/Appellant

Vs.

State through its
Inspector of Police,
Sivagangai Taluk Police Station.
(Crime No.236 of 2019)

...Respondent/Complainant

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the order passed in Crl.M.P.No.3655 of 2019 on the file of the learned Principal District Sessions Judge, Sivagangai, dated 20.12.2019.

For Petitioner : Mr.Poornachandran for
M/s.S.MP.Amalan

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 quash the order passed in Crl.M.P.No.3655 of 2019 on the file of the learned Principal District Sessions Judge, Sivagangai, dated 20.12.2019.

2.The petitioner claims to be the owner of the J.C.B Earth Moving Equipment bearing Registration No. T.N 57 BZ 9315. On 14.11.2019, 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 r/w 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 and thereafter, the vehicle is in the custody of the respondent police station. Subsequently, the petitioner approached the learned Principal District Sessions Judge, Sivagangai, by filing a petition for release of the J.C.B Earth Moving Equipment and the learned judge allowed the petition filed by the petitioner in Crl.M.P.No.3655 of 2019, dated 20.12.2019, by imposing conditions. The 2nd condition is that the petitioner should deposit a sum of Rs.10,00,000/- before the learned Principal District Sessions Judge,



Sivagangai.

3.The learned counsel for the petitioner would submit that this Court imposing condition only a sum of Rs.50,000/- for release of JCB vehicle. Hence, he challenging the 2nd condition, imposed by the trial Court.

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

5.The only grievance of the petitioner is that the 2nd condition imposed by the learned Principal District Sessions Judge, Sivagangai is onerous.

6.In view of that, this Criminal Revision is allowed. The order of the learned Principal District Sessions Judge, Sivagangai, dated 20.12.2019 is set aside in respect of the 2nd condition alone and it is modified to the effect that the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh Only) before the learned Principal District Sessions Judge, Sivagangai, to the credit of Crime No.236 of 2019 within a period of one week from the date of receipt of a copy of this order. In respect of other conditions, the order of the learned Principal District Sessions Judge shall remain unaltered.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

dss

To

1.The Principal District Sessions Judge, Sivagangai.

2.The Inspector of Police, Sivagangai Taluk Police Station.

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

+1 CC to M/s.S.MP.AMALAN, Advocate (SR-3870[F] dated 30/01/2020)

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JMN(05.02.2020) 2P : 5C