



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **28.01.2020**

CORAM

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

Crl.R.C(MD)No.67 of 2020

Karuppiah

... Petitioner

Vs.

The State through
The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
(In Crime No.120 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 passed in Crl.M.P.No.3653 of 2019 on the file of the Principal Sessions Judge, Sivagangai, dated 19.12.2019.

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

O R D E R

This Criminal Revision Case has been filed to set aside the order passed in Crl.M.P.No.3653 of 2019, dated 19.12.2019 on the file of the learned Principal Sessions Judge, Sivagangai.

2.The petitioner claims to be the owner of the Tractor bearing Registration No.TN-63-AH-9443. On 29.10.2019, 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.120 of 2019 under Section 21(4) of Mines and Minerals (Development & Regulation) Act, 1957 r/w Section 379 of IPC. Subsequently, the petitioner approached the learned Principal Sessions Judge, Sivagangai, by filing a petition for release of the Tractor and the learned judge allowed the petition filed by the petitioner in Crl.M.P.No.3653 of 2019, dated 19.12.2019, by imposing the condition (b) to the effect that the petitioner shall deposit a sum of Rs.2,00,000/- before the learned Additional District Munsif Cum Judicial Magistrate, Manamadurai. Challenging the said order, the petitioner is before this Court with this criminal revision.

3.Heard the learned counsel appearing on either side and
<https://hcservices.dns.gov.in/hcservices> perused the materials available on record.



4.The only grievance of the petitioner is that the conditions imposed by the learned Principal Sessions Judge is onerous.

5.In view of that, this Criminal Revision is partly allowed. The order of the learned Principal Sessions Judge, Sivagangai, made in Crl.M.P.No.3653 of 2019, dated 19.12.2019 is set aside in respect of the condition (b) alone and it is modified to the effect that the petitioner shall deposit a sum of Rs.50,000/- before the learned Additional District Munsif Cum Judicial Magistrate, Manamadurai, to the credit of Crime No.120 of 2019 of Manamadurai Police Station. In respect of other conditions, the order of the learned Principal Sessions Judge shall remain unaltered.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsd

To

1.The Principal Sessions Judge,
Sivagangai.

2.The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.

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

+1 CC to M/S.S.MA.AMALAM, Advocate (SR-3531[F] dated 29/01/2020)

Crl.R.C(MD)No.67 of 2020

28.01.2020

KM/ (07.02.2020) 2P 5C