



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **31.01.2020**

CORAM

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THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.R.C(MD)No.89 of 2020

Saravanakumar

... Petitioner/Owner of the vehicle

Vs.

State through,
The Inspector of Police,
Ilayangudi Police Station,
Sivagangai District.
(Crime No.246 of 2019)

... Respondent/Complainant

Prayer : This Criminal Revision filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the impugned "conditions a & b" made in the order dated 10.01.2020 in Crl.MP.No.3787 of 2019 on the file of the Principal Sessions Judge, Sivagangai, and consequently to return the petitioner's vehicle, namely TAVERA car, bearing Registration No.TN 19 K 5558 and its Chassis No.MA6ABCE5DDH007004 and its Engine No.3DN 169539 to the petitioner forthwith.

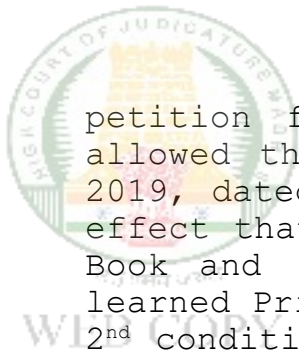
For Petitioner : Mr.M.S.Jeyakarthik

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 impugned conditions a & b made in the order dated 10.01.2020 in Crl.MP.No.3787 of 2019 on the file of the learned Principal Sessions Judge, Sivagangai, and consequently to return the petitioner's vehicle, namely TAVERA car, bearing Registration No.TN 19 K 5558 and its Chassis No.MA6ABCE5DDH007004 and its Engine No.3DN 169539 to the petitioner forthwith.

2.The petitioner claims to be the owner of the TAVERA car, bearing Registration No.TN 19 K 5558. On 26.09.2019, the respondent police intercepted the vehicle of the petitioner and seized the same on the allegation that it was used for carrying illegal sand without any valid permit and registered a case in Crime No.246 of 2019 under Section 21 (4) of Mines and Minerals (Development & Regulation) Act, 1957 and Section 379 of IPC. Subsequently, the petitioner approached the learned Principal Sessions Judge, Sivagangai, by filing a



petition for release of the TAVERA car and the learned judge allowed the petition filed by the petitioner in Cr.M.P.No.3787 of 2019, dated 10.01.2020, by imposing the 1st and 2nd conditions to the effect that the petitioner was directed to submit the original R.C. Book and directed to deposit a sum of Rs.1,00,000/- before the learned Principal Sessions Judge, Sivagangai. Challenging the 1st and 2nd conditions 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 and 2nd conditions imposed by the learned Principal Sessions Judge are onerous.

6.In view of that, this Criminal Revision is partly allowed. The order of the learned Principal Sessions Judge, Sivagangai, made in Cr.M.P.No.3787 of 2019, dated 10.01.2020, is set aside in respect of the 1st and 2nd conditions alone and it is modified to the effect that the petitioner is directed to submit the certified copy of the RC Book from the financier and directed to deposit a sum of Rs.50,000/- before the learned Principal Sessions Judge, Sivagangai. In respect of other conditions, the order of the learned Principal Sessions Judge shall remain unaltered.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

dss

To

- 1.The Principal Sessions Judge,
Sivagangai.
- 2.The Inspector of Police,
Ilayangudi Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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+1 CC to Mr.M.S.JEYAKARTHIK, Advocate (SR-4477[F] dated
03/02/2020)

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31.01.2020

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