



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Thirty First day of January Two Thousand and Twenty
PRESENT

The Hon'ble Mrs. Justice T. KRISHNAVALLI

CRL MP(MD). No.793 of 2020

in

CRL RC(MD). No.939 of 2019

Vijayakumar

...Petitioner/Petitioner

Vs

State rep. by its. The Inspector of Police,
Kandavarayanpatti Police Station,
Sivagangai District.

(In Crime No.82 of 2019)

...Respondent/Respondent

Prayer in CRL MP(MD). No.793 of 2020 :-

Criminal Miscellaneous Petition is filed under section 482 of Criminal Procedure Code, praying this Court to modify the condition (a) imposed in the order dated 10.01.2020 in Crl.R.C.(MD) No.939 of 2019.

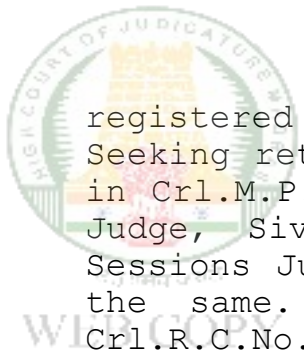
Prayer in CRL RC(MD). No.939 of 2019 :

Criminal Revision Case filed under section 397 read with 401 of Criminal procedure Code, to call for the records in Cr.M.P.No.3484 of 2019 on the file of the Principal Sessions Judge, Sivagangai, Sivagangai District and set aside the order dated 03.12.2019 and direct the respondent herein to grant the interim custody of the JCB bearing Registration No.TN-63-BD-1121 and its chassis No.TEP740B2VJ4012935 and its Engine No.4H32021820156, which has been seized by the respondent herein in Crime No.82 of 2019.

ORDER:- Criminal Miscellaneous Petition coming up for hearing on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. B.Senthil Nathan, Advocate for the Petitioner and of Mr. A.P.G. Ohm Chairma Prabhu, Government Advocate (Criminal Side), on behalf of the respondent, this Court made the following order:

This Petition has been filed to modify the condition (a) imposed by this Court in Crl.R.C.No.939 of 2019, dated 10.01.2020.

2.The petitioner claims to be the owner of the JCB, bearing Registration No.TN-63-BD-1121 and it chassis No.TEP740B2VJ4012935 and its Engine No.4H32021820156. bearing Registration No.TN-67-K-4006. On 22.01.2019, the respondent police intercepted the vehicle of the petitioner and seized the same on the allegation that it was carrying illegal sand without any valid permit and



registered a case in Crime No.82 of 2019 under Section 379 of IPC. Seeking return of the said vehicle, the petitioner filed a petition in Crl.M.P.(MD)No.3484 of 2019 before the learned Principal Sessions Judge, Sivagangai, for interim custody. The learned Principal Sessions Judge, Sivagangai, by order dated 03.12.2019 has dismissed the same. Subsequently, the petitioner filed a petition in Crl.R.C.No.939 of 2019, for interim custody. This Court by an order dated 10.01.2020, by imposing the condition (a) to the effect that the petitioner is directed to submit the original R.C. Book before the learned Principal Sessions Judge, Sivagangai. Challenging the condition (a) imposed by this Court, the petitioner is before this Court with this Miscellaneous petition.

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 condition (a) imposed by this Court is onerous.

5.In view of that, this Civil Miscellaneous petition is allowed. The order of this Court, made in Crl.R.C.No.939 of 2019, dated 10.01.2020, is set aside in respect of the condition (a) alone and it is modified to the effect that the petitioner is directed to submit the certified copy of the RC Book before the learned Principal Sessions Judge, Sivagangai. In respect of other conditions, the order of this Court shall remain unaltered.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TO

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

+1CC To Mr.B.Senthil Nathan, Advocate, SR No.2004

CRL MP(MD). No.793 of 2020
in
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31.01.2020

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