



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **03.03.2020**

CORAM

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

Crl.R.C(MD)No.113 of 2020

Seetharam ... Petitioner/Petitioner/
Owner of the Vehicle
Vs.

1.The State Rep. by
The Inspector of Police,
Thiruvengadam Police Station,
Tenkasi District.
(Crime No.148 of 2018)

2.Kaladi ... Respondents

*(R2 impleaded as per order of this Court,
dated 20.02.2020 in Crl.M.P(MD)No.1189 of 2020)*

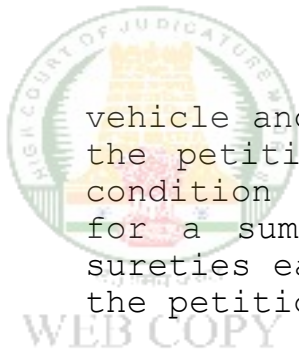
Prayer : This Criminal Revision filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records relating to the impugned order of the Judicial Magistrate, Sankarankovil passed in Crl.M.P.No.7997 of 2018, dated 25.11.2019, set aside the same and consequently direct the respondent police to handover the petitioner's vehicle bearing Registration No.TN-67-Z-8614 and allow this revision petition.

For Petitioner	: Mr.R.J.Karthick
For R1	: Mr.A.P.G.Ohm Chairma Prabhu Government Advocate (Crl.side)
For R2	: Mr.S.Muthumalai Raja

O R D E R

This petition has been filed to set aside the order in Crl.M.P.No.7997 of 2018, dated 25.11.2019 on the file of the learned Judicial Magistrate, Sankarankoil.

2.The petitioner claims to be the owner of the Tractor bearing Registration No.TN-67-Z-8614. The respondent police intercepted the vehicle of the petitioner and seized the same on the ground that it was used for carrying illegal sand without any valid permit and registered a case in Crime No.148 of 2018 under Section 294(b), 506(ii) and 379 of IPC. Subsequently, the petitioner has approached the learned Judicial Magistrate, Sankarankoil, by way of filing a petition in Crl.M.P.No.7997 of 2018 for release of the



vehicle and the learned Magistrate has allowed the petition filed by the petitioner by its order dated 25.11.2019, by imposing the 1st condition to the effect that the petitioner should execute a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two sureties each. Challenging the condition 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, condition imposed by the learned Judicial Magistrate, Sankarankoil, is onerous.

5.Mr.S.Muthumalai Raja, learned counsel appearing for R2 has no objection for release the vehicle.

6.In view of that, this Criminal Revision is partly allowed and the 1st condition is modified the effect that the petitioner shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Sankarankoil. In respect of other conditions, the order of the learned Judicial Magistrate, Sankarankoil, shall remain unaltered.

Sd/-

Assistant Registrar (CS-III)

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/ /2020

Sub Assistant Registrar(CS)

vsd

To

1.The Judicial Magistrate, Sankarankoil.

2.The Inspector of Police,
Thiruvengadam Police Station,
Tenkasi District.

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

+1 CC to M/s.R.J.KARTHICK, Advocate (SR-9930[F] dated 03/03/2020)

Crl.R.C(MD)No.113 of 2020

03.03.2020

SMA/18/03/2020/2P/5C