



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **07.02.2020**
CORAM

THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI**
Crl.R.C(MD)No.120 of 2020

WEB COPY

S.Sivasamy

... Petitioner

Vs.

State rep. by its
The Inspector of Police,
Aravakuruchi Police Station,
Karur District.
(Crime No.195 of 2019)

...Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to modify the (i) and (ii) conditions imposed against the petitioner in Crl.M.P.No.1461 of 2019, dated 27.01.2020 on the file of the Principal District and Sessions Judge, Karur.

For Petitioner : Mr.M.Ramesh

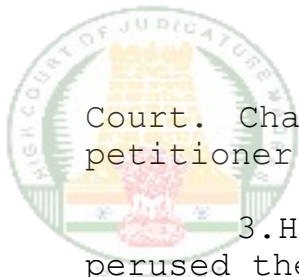
For Respondent : Mr.A.P.G.Ohm Chairma Prabhu

Government Advocate (Crl.side)

O R D E R

This Criminal Revision Petition has been filed to modify the (i) and (ii) conditions imposed by the learned Principal Sessions Judge, Karur in the order passed in Crl.M.P.No.1461 of 2019, dated 27.01.2020.

2.The petitioner claims to be the owner of the JCB bearing Registration No.TN-47-AR-8393. On 09.06.2019, 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.195 of 2019 under Section 379 of IPC and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957. Subsequently, the petitioner has approached the learned Principal Sessions Judge, Karur, by way of filing a petition for release of the JCB and the learned judge allowed the petition filed by the petitioner in Crl.M.P.No.1461 of 2019, dated 27.01.2019, by imposing the 1st condition to the effect that the petitioner is directed to surrender the original R.C.Book and to deposit a sum of Rs.2,00,000/- before the trial Court in Crime No.195 of 2019 of Aravakurichi Police Station and on compliance thereof, the vehicle shall be returned to the petitioner on interim custody and the 2nd condition to the effect that the petitioner shall execute a bond for a sum of Rs.10,00,000/- with two sureties each for like sum to the satisfaction before the trial



Court. Challenging the 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 allowed. The order of the learned Principal Sessions Judge, Karur, made in Crl.M.P.No.1461 of 2019, dated 27.01.2020 is set aside in respect of the 1st and 2nd conditions alone and the 1st condition it is modified to the effect that the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One lakh only) before the trial Court to the credit of Crime No.195 of 2019 of Aravakurichi Police Station and the 2nd condition it is modified to the effect that the petitioner shall execute a bond for a sum of Rs.2,00,000/- with two sureties each for like sum to the satisfaction of the trial Court. In respect of other conditions, the order of the learned Principal Sessions Judge shall remain unaltered.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsd

To

1.The Principal Sessions Judge,
Karur.

2.The Inspector of Police,
Aravakuruchi Police Station,
Karur District.

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

+1 CC to M/s.R.MATHIYALAGAN, Advocate (SR-5318[F] dated 07/02/2020)

Crl.R.C(MD)No.120 of 2020

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KK/SAR/11.02.2020/2P-5C/