



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2020

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

Cr1.R.C(MD)No.123 of 2020

V.Sundram

... Petitioner/Petitioner

Vs.

The State through
The Inspector of Police,
Kulithalai Police Station,
Karur District.
(Crime No.457 of 2019)

...Respondent/Respondent

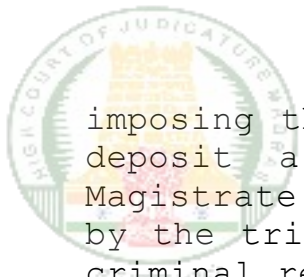
Prayer : This Criminal Revision filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to the order of the Principal Sessions Judge, Karur, dated 27.01.2020 made in Cr1.M.P.No.1428 of 2019 and modify the 1st condition and allow this revision.

For Petitioner	: Mr.K.Arunraj
For Respondent	: Mr.A.P.G.Ohm Chairma Prabhu Government Advocate (Cr1.side)

O R D E R

This Criminal Revision Petition has been filed to modify the 1st condition imposed by the learned Principal Sessions Judge, Karur in the order passed in Cr1.M.P.No.1428 of 2019, dated 27.01.2020.

2.The petitioner claims to be the owner of the JCB bearing Registration No.TN-47-AS-6412. On 13.10.2019, the respondent police intercepted the vehicle of the petitioner and seized the same on the allegation that it was used for carrying illegal sand without any valid permit and registered a case in Crime No.457 of 2019 under Section 379 of IPC and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 and thereafter, the vehicle is in the custody of the Court in R.P.No.88 of 2019. 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 on 07.02.2020 in Cr1.M.P.No.1428 of 2019, dated 27.01.2020, by



imposing the 1st condition to the effect that the petitioner shall deposit a sum of Rs.2,00,000/- before the learned Judicial Magistrate No.II, Kulithalai. Challenging the 1st condition imposed by the trial Court, the petitioner is before this Court with this criminal revision.

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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 Principal Sessions Judge is onerous.

5.In view of that, this Criminal Revision is allowed. The order of the learned Principal Sessions Judge, Karur, made in Cr1.M.P.No.1428 of 2019, dated 27.01.2020 is set aside in respect of the 1st condition alone and it is modified to the effect that the petitioner shall deposit a sum of Rs.75,000/- (Rupees Seventy Five thousand only) before the learned Judicial Magistrate No.II, Kulithalai to the credit of Crime No.457 of 2019 of Kulithalai Police Station. 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)

vsd

To

- 1.The Principal Sessions Judge, Karur.
2. The Judicial Magistrate No.II, Kulithalai
- 3.The Inspector of Police,
Kulithalai Police Station, Karur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.ARUN RAJ, Advocate (SR-5262[F] dated 07/02/2020)

Cr1.R.C(MD)No.123 of 2020

07.02.2020

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