



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.02.2020

CORAM

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

CrI.R.C(MD)No.178 of 2020

Bastin

... 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 has been 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 CrI.M.P.No.3789 of 2019 on the file of the Principal Sessions Judge, Sivagangai and consequently to return the petitioner's vehicle, namely 3DX EXCAVATOR/LOADER-JCB, bearing registration No.TN-29-AM-4910 and its Chassis No.1817658A2012 and its Engine No.H00022397 to the petitioner forthwith and to pass such further or other orders as this Court may deems fit and proper in these above facts and circumstances of the present case.

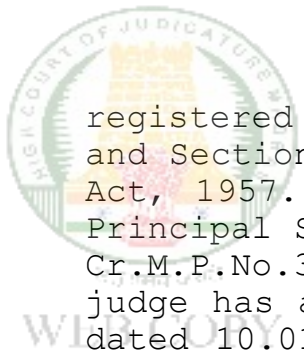
For Petitioner : Mr.M.S.Jeyakarthik

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (CrI.side)

O R D E R

This petition has been filed to modify the ''conditions (a) & (b)'' imposed by the learned Principal Sessions Judge, Sivagangai in the order passed in Cr.M.P.No.3789 of 2019, dated 10.01.2020.

2.The petitioner claims to be the owner of the 3DX EXCAVATOR/LOADER-JCB bearing Registration No.TN-29-AM-4910. On 26.09.2019, the Village Administrative Officer 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 handed over to the respondent police. The respondent police



registered a case in Crime No.246 of 2019 under Section 379 of IPC and Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957. Subsequently, the petitioner has approached the learned Principal Sessions Judge, Sivagangai, by way of filing a petition in Cr.M.P.No.3789 of 2019 for release of the vehicle and the learned judge has allowed the petition filed by the petitioner by its order dated 10.01.2019, by imposing the condition (a) to the effect that the petitioner shall deposit the Original Registration Certificate of the vehicle and the condition (b) to the effect that the petitioner shall deposit a sum of Rs.1,00,000/- to the credit of Crime No.246 of 2019 on the file of the learned District Munsif Cum Judicial Magistrate, Ilayangudi, within a period of one week from the date of receipt of a copy of the order. 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 conditions (a) and (b) imposed by the learned Principal Sessions Judge, Sivagangai are onerous.

5.In view of that, this Criminal Revision is allowed. The order of the learned Principal Sessions Judge, Sivagangai, made in Cr.M.P.No.3789 of 2019, dated 10.01.2020 is set aside in respect of the conditions (a) and (b) alone and the condition (a) is modified to the effect that the petitioner is directed to produce the certified copy of the R.C.Book and the condition (b) is modified to the effect that the petitioner shall deposit a sum of Rs.75,000/- (Rupees Seventy five thousand only) to the credit of Crime No.246 of 2019 on the file of the learned District Munsif Cum Judicial Magistrate, Ilayangudi, within a period of one week from the date of receipt of a copy of this order. In respect of other conditions, the order of the learned Principal Sessions Judge, Sivagangai, shall remain unaltered.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsd



To

1.The Principal Sessions Judge,
Sivagangai.

2.The District Munsif cum Judicial Magistrate,
Ilayangudi.

3.The Inspector of Police,
Ilayangudi Police Station,
Sivagangai District.

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

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-7157[F] dated 19/02/2020

Crl.R.C(MD)No.178 of 2020
19.02.2020

JMN(25.02.2020) 3P : 6C