



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **28.02.2020**

CORAM

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

Cr1.R.C(MD)No.255 of 2020

Backiaraj

... Petitioner/Cart Owner

Vs.

The State Rep. by
The Inspector of Police,
Vadakadu Police Station,
Pudukkottai District.
(Crime No.14 of 2020)

...Respondent/Complainant

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records of the Principal Sessions Judge, Pudukkottai in Cr.M.P.No.809 of 2020, dated 24.02.2020 and modify the condition of Rs.5,000/- as cash sureties before the Judicial Magistrate Court, Alangudi, Pudukkottai District.

For Petitioner : Mr.T.Veerakumar

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 onerous condition of deposit a sum of Rs.5,000/- (Rupees Five thousand only) as cash security imposed by the learned Principal Sessions Judge, Pudukkottai in the order passed in Cr.M.P.No.809 of 2020, dated 24.02.2020.

2.The petitioner claims to be the owner of the Bullock Cart. On 22.01.2020, the respondent police seized the Bullock Cart on the ground that it was used for committing the offence of transporting the illegal sand and registered a case in Crime No.14 of 2020 under Section 379 of IPC and Sections 21(1) and 21(2) of Mines and Minerals (Development & Regulations) Act, 1957. Subsequently, the petitioner has approached the learned Principal Sessions Judge, Pudukkottai, by way of filing a petition in Cr.M.P.No.809 of 2020 by its order, dated 24.02.2020, by imposing the condition to the effect that the petitioner was directed to deposit a sum of Rs.5,000/- as cash security before the learned Judicial Magistrate, Alangudi and on executing a personal bond for a sum of Rs.20,000/-



with two sureties for a like sum each to the satisfaction of the learned Judicial Magistrate, Alangudi. Challenging the said 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 condition imposed by the learned Principal Sessions Judge, Pudukkottai, is onerous.

5.In view of that, this Criminal Revision is allowed and the condition is modified to the effect that the petitioner shall deposit a sum of Rs.3,000/- (Rupees Three thousand only) as cash security before the learned Judicial Magistrate, Alangudi and on executing a personal bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties for a like sum each to the satisfaction of the learned Judicial Magistrate, Alangudi.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsd

To

1.The Principal Sessions Judge,
Pudukkottai.

2.The Judicial Magistrate, Alangudi.

3.The Inspector of Police,
Vadakadu Police Station,
Pudukkottai District.

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

+1 CC to M/s.D.RAMESHKUMAR, Advocate (SR-9339[F] dated 28/02/2020)

Crl.R.C(MD)No.255 of 2020

28.02.2020

SMA/17/03/2020/2P/6C