



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **28.02.2020**

CORAM

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

WEB COPY

Crl.R.C(MD)No.230 of 2020

K.Thamaraiselvam

... Petitioner / Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Velliyanai Police Station,
Karur District.
(Crime No.199 of 2019)

...Respondent / Complainant

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records made in Cr.M.P.No.165 of 2020 on the file of the Principal Sessions Judge, Karur, dated 17.02.2020 and modify the portion of condition imposed in the said impugned order and pass such other or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.P.Surliraja

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

O R D E R

This Criminal Revision Case has been filed to modify the conditions imposed by the learned Principal Sessions Judge, Karur in the order passed in Cr.M.P.No.165 of 2020, dated 17.02.2020.

2.The petitioner claims to be the owner of the JCB bearing Registration No.TN-18-D-4209. On 25.10.2019, the respondent police intercepted the vehicle of the petitioner and seized the same on the allegation that it was used for carrying illegal river sand without any valid permit and registered a case in Crime No.199 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 filing a petition for release of the vehicle and the learned judge allowed the petition filed by the petitioner in Crl.M.P.No.165 of 2020, dated 17.02.2020, by imposing the 1st condition to the effect that the petitioner is directed to surrender the original R.C.Book and also to deposit a sum of Rs.2,00,000/- before the trial Court in Crime No.199 of 2019 of Velliyanani Police station and the 2nd condition to the effect that the petitioner should execute a bond



for a sum of Rs.10,00,000/- to the satisfaction of the learned Judicial Magistrate No.II, Karur. Challenging the said order, 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 imposed by the learned Principal Sessions Judge, Karur, are onerous.

5.In view of that, this Criminal Revision is allowed. The order of the learned Principal Sessions Judge, Karur, made in Crl.M.P.No.165 of 2020, dated 17.02.2020 is set aside in respect of the 1st and 2nd condition alone and the 1st condition is modified to the effect that the petitioner is directed to produce the certified copy of the R.C.Book obtaining from the financier and also to deposit a sum of Rs.75,000/- (Rupees Seventy Five thousand only) to the credit of Crime No.199 of 2019 of Velliyanani Police station and the 2nd condition is modified to the effect that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Karur. In respect of other conditions, the order of the learned Principal Sessions Judge, Karur, shall remain unaltered.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1.The Principal Sessions Judge, Karur.

2.The Judicial Magistrate No.II, Karur.

3.The Inspector of Police,
Velliyanai Police Station, Karur District.

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

+1 CC to M/s.P.SURLI RAJA, Advocate (SR-9230[F] dated 28/02/2020)

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28.02.2020

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SDS (02.03.2020) 2P-6C

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