



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 15.07.2020

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.407 of 2020

M.Duraisamy

..Petitioner / Accused

Vs.

The State Rep. By

The Inspector of Police

Karur Town Police Station

Karur District.(Crime No.95 of 2020)

..Respondent /Complainant

Prayer : This criminal revision case is filed under Section 397 r/w. 401 of Cr.P.C., to call for the entire records in connection with Crl.M.P.No.310/2020, dated 23.03.2020 on the file of the learned Sessions Judge, Karur and set aside the condition imposed in serial number (i) of the above order with regard to deposit of a sum of Rs.1,50,000/-.

For Petitioner : Mr.M.Seeni Sulthan

For Respondent : Mrs.Ananda Devi,
Government Advocate

ORDER

This revision has been filed to call for the entire records in connection with Crl.M.P.No.310/2020, dated 23.03.2020 on the file of the learned Sessions Judge, Karur and set aside the condition imposed in serial number (i) of the above order with regard to deposit of a sum of Rs.1,50,000/-.

2. The petitioner claims to be the owner of the Multi Axle Goods bearing Registration No.TN-47-W-8250. On 18.02.2020, 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.95 of 2020 under Section 379 of I.P.C. read with Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957. Subsequently, the petitioner has approached the learned 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.310 of 2020, dated 23.03.2020, by imposing the 1st condition to the effect that the petitioner shall deposit a sum of Rs.1,50,000/- to the credit of Crime No.95 of 2020 of Karur Town Police Station. Challenging the said order, the petitioner is before this Court with this criminal revision.

3. On the side of the petitioner, it is stated that the Multi Axle Goods vehicle bearing Registration No.TN-47-W-8250 belonging to the petitioner, was seized by the respondent police as the vehicle



was involved in the theft of river sand. It is further stated that the petitioner's vehicle did not involve in the commission of theft of sand and the petitioner is not an accused in this case and the petitioner is not able to deposit that amount and prayed to set aside the order as to the cash deposit of Rs.1,50,000/-.

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4. The learned Government Advocate submitted that the petitioner is the owner of the Multi Axle Goods vehicle. If the vehicle is released by way of interim custody, there is a possibility of the vehicle being used for the same offence again.

5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. The only grievance of the petitioner is that the condition imposed by the learned Sessions Judge is onerous.

7. On perusal of the records, it is seen that the F.I.R was registered under Section 379 I.P.C read with Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 and the vehicle was seized on 18.02.2020. For the past five months, the vehicle was kept in open place and leaving the vehicle in the open place, will make the vehicle useless and the value will be deteriorating day by day.

8. In the above circumstances, this Criminal Revision is partly allowed. The order of the learned Sessions Judge, Karur, made in Crl.M.P.No.310 of 2020, dated 23.03.2020 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.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.95 of 2020 of Karur Town police Station. In respect of other conditions, the order of the learned Sessions Judge shall remain unaltered.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The Sessions Judge,
Karur.

2.The Inspector of Police
Karur Town Police Station
Karur District.

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

Crl. R.C. (MD) No.407 of 2020
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