



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 15.07.2020

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.409 of 2020

WEB COPY

Prasanna

..Petitioner / Accused

Vs.

The State Rep. By
The Inspector of Police
Chinthamanipatty Police Station
Karur District.(Crime No.133 of 2018)

..Respondent /Complainant

Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the entire records in connection with Crl.M.P.No.747/2020, dated 07.07.2020 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 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.747 of 2020, dated 07.07.2020 on the file of the learned Sessions Judge, Karur and set aside the condition imposed in serial number (i) of the order with regard to deposit a sum of Rs.1,50,000/-.

2.The petitioner is the owner of the Lorry bearing Registration No.TN-29-AY-8448. On 19.08.2018, 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.133 of 2018 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.747 of 2020, dated 07.07.2020, 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.133 of 2018 of Chinthamanipatti Police Station. Challenging the said order, the petitioner is before this Court with this criminal revision.

3. The learned Government Advocate submitted that the vehicle is a lorry and the petitioner herein is arrayed as A2 in Crime No.133 of 2018. If the vehicle is released by way of interim custody, there is a possibility of the vehicle being used for the



same offence again.

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

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

6. 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 19.08.2018. For the past two years, the vehicle was kept in the open place and leaving the vehicle in the open place, will make the vehicle useless and the value will be deteriorating day by day.

7. In the above circumstances, this Criminal Revision is partly allowed. The order of the learned Sessions Judge, Karur, made in Crl.M.P.No.747 of 2020, dated 07.07.2020 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.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.133 of 2018 of Chinthamanipatti 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
Chinthamanipatty Police Station, Karur District
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl. R.C.(MD)No.409 of 2020
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KB(20.07.2020) 2P 4C

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