



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 17.08.2020

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.408 of 2020

R.Rajeshkumar

..Petitioner/Petitioner cum Owner of
the Property

Vs.

1.The District Collector,
Karur District.

2.The Revenue Divisional Officer,
Karur District.

3.The Assistant Director,
Geology and Mining,
Karur District.

..Respondents/Respondent Cum
Complainant

Prayer : This criminal revision case is filed under Section 397 read with Section 401 of Cr.P.C., to set aside the order made in Crl.M.P.No.289 of 2020 on the file of the Sessions Judge, Karur, dated 01.07.2020 in respect of condition No.1, consequently delete the condition No.1 to deposit the sum of Rs.1,50,000/- and to hand over the interim custody of the vehicle bearing Registration No.TN 33 P 8933 belongs to the petitioner.

For Petitioner	: Mr.S.Gokulraj
For Respondents	: Mrs.Anandha Devi Government Advocate

ORDER

This revision has been filed to set aside the order, made in Crl.M.P.No.289 of 2020, on the file of the Principal District and Sessions Judge, Karur, dated 01.07.2020, in respect of condition No.1 and consequently delete the condition No.1 to deposit for a sum of Rs.1,50,000/- and hand over the interim custody of the vehicle bearing Registration No.TN 33 P 8933 belongs to the petitioner.

2. On the side of the petitioner, it is stated that the trial Court passed an order for return of vehicle, the first condition imposed by the trial Court is that the petitioner has to deposit a sum of Rs.1,50,000/- in the court. It is stated that this condition is against the judgment of this Court in Crl.R.C.(MD)No.98 of 2020, dated 04.02.2020, wherein, this Court has passed an order only for a deposit of Rs.50,000/- and prayed the order of the trial Court to



be modified. It is further stated that the Lorry model is of the year 2001 and due to COVID- 19 pandemic situation, the petitioner is not able to deposit that amount and hence, prayed the amount to be modified.

3. On the side of the prosecution, it is stated that the vehicle was used for transporting sand and the vehicle is a Lorry. If the vehicle/ Lorry is released by way of interim custody, there is a possibility of the vehicle being used for the same offence again and objected to the modification of the order.

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

5. There is no question regarding the ownership of the vehicle. The only point to be decided is whether the condition No.1 imposed by the trial Judge is to be modified. On the basis of the representation made by the petitioner, this Court is inclined to modify the first condition to the effect that the petitioner has to deposit a sum of Rs.50,000/- instead of Rs.1,50,000/-

6. Hence, this Criminal Revision Case is partly allowed. The order made in Crl.M.P.No.289 of 2020 on the file of the Principal District and Sessions Judge, Karur, dated 01.07.2020, is hereby 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) in the Principal District and Sessions Judge, Karur 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 Principal District and Sessions Judge,
Karur.

2. The District Collector,
Karur District.

3. The Revenue Divisional Officer,
Karur District.

4. The Assistant Director,
Geology and Mining,
Karur District.

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

Crl. R.C. (MD) No. 408 of 2020
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KB(21.08.2020) 3P 6C