



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATE : 18.08.2020
CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.446 of 2020

WEB COPY

P.Sasikumar

.. Petitioner / Petitioner

Vs.

State through
Inspector of Police,
Tiruverumpur Police Station,
Trichy and District

.. Respondent / Respondent

Prayer : This criminal revision case is filed under Sections 397 and 401 of Cr.P.C., to call for the records of the impugned order and to set aside/modify the conditions 1 and 4 in the impugned order in Cr.M.P.No.2155 of 2020 dated 01.07.2020 by the learned Principal Sessions Judge, Tiruchirappalli.

For Petitioner	: Mr.S.Siva Ilayaraja
For Respondent	: Mrs.Anandha Devi, Government Advocate (Crl. Side)

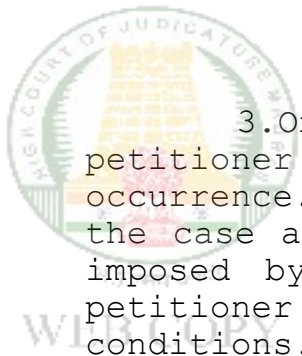
ORDER

This revision has been filed to set aside the order passed in Cr.M.P.No.2155 of 2020 dated 01.07.2020, on the file of the learned Principal Sessions Judge, Tiruchirappalli in respect of condition Nos.1 and 4 alone and to hand over the interim custody of the vehicle bearing Registration No.TN-40-A-7132 belongs to the petitioner.

2.The petitioner claims to be the owner of the lorry bearing Registration No.TN-40-A-7132. The respondents seized the lorry that belong to the petitioner alleging that the lorry was involved in the sand theft and produced the property before the Court. Subsequently, the petitioner has approached the learned Principal Sessions Judge, Tiruchirappalli, by filing a petition for return of the vehicle and the learned Judge allowed the petition in Crl.M.P.No.2155 of 2020 dated 01.07.2020, by imposing the condition Nos.1 and 4 to the effect as follows:

"(i)The petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) before the District Mineral Foundation Trust, Tiruchirappalli as non-refundable deposit.

(iv)The petitioner shall file an affidavit of undertaking that, he shall not involve in any offence in future that may lead to the seizure of the vehicle in question."



3.On the side of the petitioner, it is stated that the petitioner was having permit to transfer sand at the time of occurrence. Ignoring the same, the respondent Police has registered the case against him. It is further stated that the condition no.4 imposed by the trial Court is giving an impression, as if the petitioner involved in the offence and prayed to set aside both the conditions.

4.On the side of the prosecution, it is stated that indiscriminate mining is going on illegally in the entire state. There is possibility for us to lose the river and that by 2050, there will not be any water for the entire State. If the vehicle is returned, there is possibility of the vehicle being used for commission of the same offence again.

5.A perusal of the records reveals that a copy of the permit is annexed with the type set of papers. The validity of the permit will be decided only at the time of trial by the trial Court.

6.In view of that, this Criminal Revision is partly allowed. The order of the learned Principal Sessions Judge, Tiruchirappalli, made in Cr.M.P.No.2155 of 2020 dated 01.07.2020 is set aside in respect of the first 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 trial Court. In respect of condition no.4, the petitioner is at liberty to execute an affidavit without prejudice to the rights of the petitioner in the case. In respect of other conditions, the order of the learned Principal Sessions Judge shall remain unaltered.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Mrn

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 Sessions Judge, Tiruchirappalli.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Inspector of Police,
Tiruverumpur Police Station,
Trichy and District

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

+1 CC to M/s.S. SIVA ILAYARAJA, Advocate (SR-14376[F] dated
19/08/2020)

Crl. R.C.(MD)No.446 of 2020

18.08.2020

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