



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 03.08.2020

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.413 of 2020

Gandhimathi

..Petitioner/Petitioner/Owner of the Vehicle

Vs.

The State

Through the Inspector of Police

Jambunathapuram Police Station

Trichy.

(Crime No.447 of 2020) .. Respondent/Respondent/Defacto Complaint

Prayer : This criminal revision case is filed under Sections 397 (2) r/w. 401 of Cr.P.C., to call for the records in Cr.M.P.No.2288 of 2020, dated 09.07.2020 on the file of the learned Principal Sessions Judge, Tiruchirapalli and to set aside the condition Nos.1 and 2 as devoid of merits by allowing this Criminal Revision Case.

For Petitioner : Mr.A.Haja Mohideen

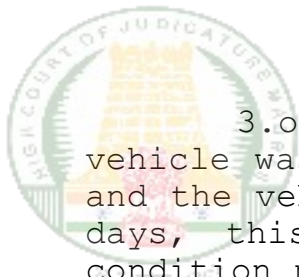
For Respondent : Mr.K.Dinesh Babu

Additional Public Prosecutor

O R D E R

This revision has been filed to call for the records made in Cr.M.P.No.2288 of 2020, dated 09.07.2020 on the file of the learned Principal Sessions Judge, Tiruchirapalli and to set aside the condition Nos.1 and 2 as devoid of merits by allowing this Criminal Revision Case.

2.The petitioner claims to be the owner of the tipper lorry bearing Registration No.TN-14-E-6769. The respondent seized the lorry that belong to the petitioner alleging that the lorry was used for the sand theft. Subsequently, the petitioner has approached the learned Principal Sessions Judge, Trichy, by filing a petition for release of the vehicle and the learned Judge allowed the petition in Crl.M.P.No.2288 of 2020 dated 09.07.2020, by imposing the conditions 1 and 2 to the effect that (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 and (ii) the vehicle is ordered to be released on interim custody immediately on production of deposit receipt, original Registration certificate of the vehicle and on executing his own bond for a sum of Rs.20,000/- before the Inspector of Police, Jambunathapuram Police Station, Tiruchirappalli and the Inspector of Police is directed to take necessary photographs of the concerned vehicle and to hand over the said photographs of the vehicle along with CD and original Registration Certificate of the vehicle to the concerned jurisdictional Magistrate Court, resumption of regular courts. Challenging the above two conditions, the petitioner is before this Court with this revision.



3.on the side of the petitioner, it is stated that the vehicle was having proper permit, but the police seized the vehicle and the vehicle is kept in the open with heavy load for the past 60 days, this may cause damage to the vehicle and to modify the condition nos. 1 and 2 imposed by the trial Court.

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4.On the side of the prosecution, it is stated that the vehicle is having permit, but on the date of the occurrence, the permit was not shown to the police.

5.After considering both sides, this Court is of the view that the order of the learned Principal Sessions Judge, Tiruchirapalli, made in Crl.M.P.No.2288 of 2020 dated 09.07.2020 is hereby set aside in respect of the first condition alone and the second condition is modified to the effect that the petitioner shall execute a bond for a sum of Rs.5,00,000/- (Rupees Five Lakhs only) with two sureties, each for a like sum to the satisfaction of the learned Principal Sessions Judge, Tiruchirapalli. In respect of other conditions, the order of the learned Sessions Judge shall remain unaltered. Hence, this Criminal Revision Case is partly allowed.

Sd/-

Deputy Registrar (LA&M)

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/ /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 Sessions Judge,
Tiruchirapalli.
- 2.The Inspector of Police
Jambunathapuram Police Station
Trichy.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl. R.C. (MD) No.413 of 2020
03.08.2020

KB(13.08.2020) 2P 4C

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