



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 07.08.2020

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.424 of 2020

P.Mahesh Rahul

.. Petitioner

Vs.

1.The State of Tamil Nadu,
Assistant Director of Mines and Minerals,
Development Department,
Karur District, Karur.

2.The State of Tamil Nadu,
District Collector,
Karur District, Karur.

3. The State of Tamil Nadu,
Revenue Divisional Officer, Karur.

4.The State of Tamil Nadu,
Tahsildar,
Manmangalam Taluk,
Karur District.

.. Respondents

Prayer : This criminal revision case is filed under Sections 397 and 401 of Cr.P.C., to call for the entire records pertaining to the order passed by the District and Sessions Court, Karur, in Cr.M.P.No.785 of 2020, dated 20.07.2020 and to set aside the condition No.(i) of the order.

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.K.Dinesh Babu
Additional Public Prosecutor

ORDER

This revision has been filed to call for the entire records in connection with Cr.M.P.No.785 of 2020, dated 20.07.2020 on the file of the learned the District and Sessions Judge, Karur and to 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. 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 is to deposit for a sum of Rs.1,50,000/- in the court. It is stated that this condition is against the judgment of the Hon'ble Division Bench of this Court in W.P.No.25347 of 2019, dated 23.08.2019, wherein, the Hon'ble Division Bench has passed an order only for a deposit of Rs.10,000/- and the impugned order is against the order of this Court in Crl.R.C.(MD).No.136 of 2020, dated 19.02.2020, wherein, this Court has passed an order for a deposit of a sum of Rs.25,000/- and against another judgment of this Court passed in W.P.(MD)No.7687 of 2020, wherein, this Court has passed an order only for deposit of a sum of Rs.50,000/- for return of vehicle and prayed the order of the trial Court to be modified. It is further stated that 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 Multi Axis Goods carrier 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.1,00,000/- instead of Rs.1,50,000/-

6. Hence, this Criminal Revision Case is partly allowed. The order passed by the District and Sessions Judge, Karur, in Cr.M.P.No.785 of 2020, dated 20.07.2020, 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.1,00,000/- (Rupees One Lakh only) in the District and Sessions Court, Karur. In respect of other conditions, the order of the learned Sessions Judge shall remain unaltered.

Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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 District and Sessions Judge,
Karur.
2. The Assistant Director of Mines and Minerals,
Development Department,
Karur District, Karur.
3. The District Collector,
Karur District, Karur.
4. The Revenue Divisional Officer,
Karur.
5. The Tahsildar,
Manmangalam Taluk,
Karur District.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl. R.C. (MD) No. 424 of 2020
07.08.2020

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