



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 21.08.2020

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.457 of 2020

I.Anandan

.. Petitioner

Vs.

1.The District Collector,
Karur District

2.The Revenue Divisional Officer,
Karur District.

3.The Tahsildar,
Pugalur Taluk,
Karur District.

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

.. Respondents

Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to set aside the order made in Crl.M.P.No.701 of 2020 on the file of the Sessions Judge, Karur dated 06.07.2020 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-50-6262 belongs to the petitioner.

For Petitioner : Mr.S.Gokulraj

For Respondents : Mrs.Anandha Devi,
Government Advocate (Crl. Side)

ORDER

This revision has been filed to set aside the order passed in Crl.M.P.No.701 of 2020 dated 06.07.2020, on the file of the learned Sessions Judge, Karur in respect of condition No.1 alone and to hand over the interim custody of the vehicle bearing Registration No.TN-50-D-6262 belongs to the petitioner.

2.The petitioner claims to be the owner of the lorry bearing registration No.TN-50-D-6262. As per the Tahsildar's



proceedings in no.904 of 2020, the respondents seized the lorry belonging to the petitioner alleging that the lorry was involved in sand theft and produced the property before the Court. 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 in Crl.M.P.No.701 of 2020 dated 06.07.2020, by imposing the first condition to the effect that the petitioner is directed to surrender the original R.C. Book and to deposit a sum of Rs.1,50,000/- (Rupees One Lakhs and Fifty Thousand only) and on compliance thereof, the vehicle is ordered to be returned to the petitioner for interim custody. Challenging the aforesaid condition, the petitioner is before this Court with this revision case.

3.On the side of the petitioner, it is stated that the vehicle is a very old vehicle. The petitioner is not in a position to deposit such a huge amount. The learned counsel for the petitioner has placed reliance on the orders passed by this Court in Crl.R.C.(MD)Nos.98 of 2020 and 701 of 2020 and prayed that the condition no.1 imposed in Crl.M.P.No.701 of 2020 is to be deleted.

4.On the side of the respondent, it is stated that if the vehicle is returned to the petitioner again, there is possibility for the vehicle being used for commission of similar offence.

5.The petitioner seeks only for a direction to set aside the condition no.1 of the impugned order regarding the cash deposit and not against the surrender of original R.C. Book.

4.In view of that, this Criminal Revision is partly allowed. The order of the learned Sessions Judge, Karur, made in Crl.M.P.No.701 of 2020 dated 06.07.2020 is modified in respect of the first condition alone and it is modified to the effect that "the petitioner is directed to surrender the original R.C. Book and to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crl.M.P.No.701 of 2020 on the file of the learned Sessions Judge, Karur". In respect of other conditions, the order of the learned Sessions Judge shall remain unaltered.

Sd/-

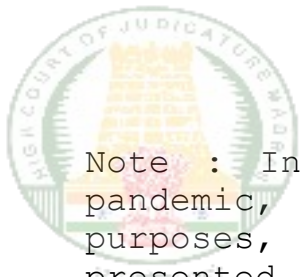
Assistant Registrar(CRL SIDE)

// 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 Sessions Judge, Karur.
- 2.The District Collector,
Karur District
- 3.The Revenue Divisional Officer,
Karur District.
- 4.The Tahsildar,
Pugalur Taluk,
Karur District.
- 5.The Assistant Director,
Department Geology and Mining,
Karur District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl. R.C. (MD)No.457 of 2020
21.08.2020

SCR(CO)
TR(27.08.2020) 3P 7C