



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 22.09.2020

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.521 of 2020

WEB COPY

G.Jothi Prakash

.. Petitioner/Petitioner

Vs.

State through the Inspector of Police,
K.Paramathi Police Station,
Karur.

In Crime No.16 of 2020

.. Respondent/Complainant

Prayer : This criminal revision case is filed under Sections 397 r/w 401 of Cr.P.C., to call for the records and to set aside the order passed by the District and Sessions Court (Special Judge for Mines and Minerals Act), Karur in Crl.M.P.No.955 of 2020 in Crime No.16 of 2020 dated 28.07.2020 in so far as condition no.1 is concerned.

For Petitioner

: Mr.R.Rajamohan

For Respondent

: Mrs.Anandha Devi

Government Advocate (Crl. Side)

ORDER

This Criminal Revision Case has been filed to set aside the order in Crl.M.P.No.955 of 2020 in Crime No.16 of 2020 dated 28.07.2020, on the file of the District and Sessions Court (Special Judge for Mines and Minerals Act) Karur.

2.The petitioner claims to be the owner of the Multi Axle Goods vehicle bearing Registration No.TN-27-Z-2943. On 28.01.2020, the respondent police intercepted the vehicle of the petitioner and seized the same on the allegation that it was used for carrying illegal river sand without any valid permit and registered a case in Crime No.16 of 2020 under Section 379 of IPC and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957. 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 filed by the petitioner in Crl.M.P.No.955 of 2020 dated 28.07.2020, by imposing the first condition to the effect that the petitioner shall deposit a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) to the credit of Crime No.16 of 2020 of K.Paramathi Police Station. Challenging the said condition, the petitioner is before this Court with this Criminal Revision Case.

3.On the side of the petitioner, it is stated that the vehicle is manufactured in the year 1991 and a very old lorry and



the condition to deposit a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) is onerous and due to COVID - 19 pandemic situation, the petitioner was not able to mobilise the fund for return of the vehicle and prayed the condition no.1 to be modified.

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4.On the side of the prosecution, it is stated that if the vehicle is returned, there is possibility of the vehicle being used for commission of the same offence again.

5.In view of the above submissions, this Criminal Revision Case is allowed. The order of the learned Sessions Judge, Karur, made in Crl.M.P.No.955 of 2020 dated 28.07.2020 is modified with regard to the condition no.1 alone and it is modified to the effect that "the petitioner is directed to surrender the original R.C. Book and also to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) before the Sessions Court, Karur in Crime No.16 of 2020 of K.Paramathi Police Station and on compliance of the condition, the above vehicle, which was remanded in R.P.No.20 of 2020 of District Munsif cum Judicial Magistrate, Aravakurichi, shall be returned to the petitioner on interim custody". In respect of other conditions, the order of the learned Sessions Judge shall remain unaltered.

Sd/-

Assistant Registrar ()

// 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 Munsif cum
Judicial Magistrate,
Aravakurichi.

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



3.The Inspector of Police,
K.Paramathi Police Station,
Karur.

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

+1 CC to Mr.R. RAJAMOHAN, Advocate (SR-17760[F] dated
22/09/2020)

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