



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2020

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THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Cr1.R.C(MD)No.940 of 2019

Pitchandi

... Petitioner / Petitioner

Vs.

The State of Tamilnadu,
Rep. by its Sub Inspector of Police,
Sivagiri Police Station,
Tirunelveli District.
(In Crime No.321 of 2019)

...Respondent / Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the order passed by the learned Principal Sessions Judge in Cr1.M.P.No.11138 of 2019, dated 07.12.2019 in so far as condition No.5 namely ' the petitioner is directed to submit the original RC Book before the Judicial Magistrate, Sivagiri'.

For Petitioner : Mr.R.Velmurugan

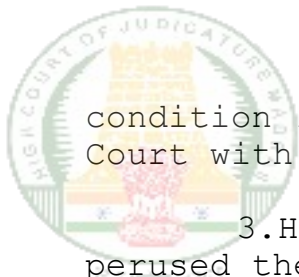
For Respondent : Mr.V.Neelakandan

Additional Public Prosecutor

O R D E R

This Criminal Revision Petition has been filed to modify the 5th condition imposed by the learned Judicial Magistrate, Sivagiri in the order passed in Cr1.M.P.No.11138 of 2019, dated 07.12.2019.

2.The petitioner claims to be the owner of the Tractor bearing Registration No.TN-67-K-3967 and Trailer bearing Registration No.TN-67-K-4006. On 27.07.2019, the respondent police intercepted the vehicle of the petitioner and seized the same on the allegation that it was used for carrying illegal sand without any valid permit and registered a case in Crime No.321 of 2019 under Section 379 of IPC. Subsequently, the petitioner approached the learned Principal Sessions Judge, Tirunelveli, by filing a petition for release of the Tractor and Trailor and the learned judge allowed the petition filed by the petitioner in Cr.M.P.No.11138 of 2019, dated 07.12.2019, by imposing the 5th condition to the effect that the petitioner is directed to submit the original R.C. Book before the learned Judicial Magistrate, Sivagiri. Challenging the 5th



condition imposed by the trial Court, the petitioner is before this Court with this criminal revision.

3.Heard the learned counsel appearing on either side and perused the materials available on record.

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4.The only grievance of the petitioner is that the 5th condition imposed by the learned Principal Sessions Judge is onerous.

6.In view of that, this Criminal Revision is allowed. The order of the learned Principal Sessions Judge, Tirunelveli, made in Cr.M.P.No.11138 of 2019, dated 07.12.2019 is set aside in respect of the 5th condition alone and it is modified to the effect that the petitioner is directed to submit the certified copy of the RC Book before the learned Judicial Magistrate, Sivagiri. In respect of other conditions, the order of the learned Principal Sessions Judge shall remain unaltered.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Principal Sessions Judge,
Tirunelveli.

2.The Sub Inspector of Police,
Sivagiri Police Station, Tirunelveli District.

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

Copy to:

The Judicial Magistrate,
Sivagiri.

+1 CC to M/s.R.VELMURUGAN, Advocate (SR-11[F] dated 02/01/2020)

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02.01.2020

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