



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.02.2021

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.58 of 2021

Jakkammal @ Sakkammal

.. Petitioner

Vs.

- 1.The Inspector of Police
Abiramam Police Station,
Ramanathapuram District.(crime No.109 of 2019)
- 2.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.
- 3.The Assistant Director,
Tamil Nadu Mines and Minerals Department,
Ramanathapuram.
- 4.The Tahsildar,
Kamuthi Taluk,
Ramanathapuram District.

.. Respondents

Prayer : This Revision Case filed under Section 397 r/w. Section 401 of Cr.P.C., to set aside the impugned condition Nos.2 and 5 made in the order passed in Cr.M.P.No.2688 of 2019 on the file of the Principal Sessions Judge, Ramanathapuram, dated 19.11.2019 and to consequently to return the petitioner's Earth Moving Equipment vehicle bearing Registration No.TN-55-Y-9582 by allowing the Criminal Revision Petition.

For Petitioner

: Mr.K.R.Laxman

For Respondent

: Mr.S.Chandrasekar

Additional Public Prosecutor

ORDER

This revision has been filed to to modify the condition Nos.2 and 5 of the order of the Principal Sessions Judge, Ramanathapuram, in Cr.M.P.No.2688 of 2019, dated 19.11.2019 and to allow the Criminal Revision Petition.

2.A vehicle viz., JCB bearing Registration No.TN-55-Y-9582 was seized by the first respondent police in Crime No.109 of 2019. The petitioner, claiming herself as the owner of the vehicle, filed a petition before the Principal Sessions Judge, Ramanathapuram, for return of the vehicle in Crl.M.P.No.2688 of 2019. That petition was allowed by the Sessions Judge on certain conditions. The petitioner filed this Revision to modify the condition Nos.2 and 5.

3.On the side of the petitioner, it is stated that the petitioner's vehicle was kept in the open place for the past 1 ½ years. Due to COVID-19 pandemic situation, the petitioner could not mobilise the fund to deposit before the concerned Forum. The



petitioner is ready to execute any bond as directed by this Court and prayed the condition No.2 to be relaxed.

4.On the side of the petitioner, it is further stated that the vehicle was purchased through financial company and the original R.C.book is in the custody of the Financial Company and therefore, the petitioner could not submit the R.C. and hence, prayed the condition No.5 to be modified and that the petitioner is ready to produce Xerox copy of the R.C.

5.On the side of the respondents, it is stated that the vehicle is a JCB, which is worth more than Forty Lakhs and the vehicle was involved in sand theft, which is against the Society. Deposit of Rupees Two Lakhs and deposit of original R.C. Book are genuine conditions and there is no necessity to modify them and prayed the petition to be dismissed.

6.In view of the submissions made by both the parties, this Court is inclined to modify the condition No.2, is as follows:

"(i).The petitioner shall deposit a sum of **Rs.2,00,000/- (Rupees Two Lakhs only)** before the Principal Sessions Judge, Ramanathapuram.

To ensure the production of the vehicle at the time of trial, the condition No.5 is necessary. There is no sufficient reason to set aside that condition. The prayer regarding condition No. 5 is dismissed. In respect of other conditions, the order of the Principal Sessions Judge shall remain unaltered. This Criminal Revision Case is partly allowed.

Sd/-

Assistant Registrar (AS)

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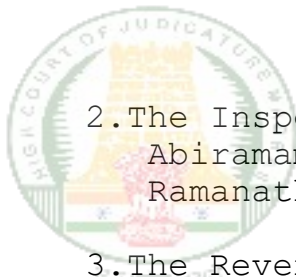
Sub Assistant Registrar(CS)

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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,
Ramanathapuram.



- 2.The Inspector of Police
Abiramam Police Station,
Ramanathapuram District.
- 3.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.
- 4.The Assistant Director,
Tamil Nadu Mines and Minerals Department,
Ramanathapuram.
- 5.The Tahsildar,
Kamuthi Taluk,
Ramanathapuram District.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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