



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : **11.02.2021**

CORAM

THE HONOURABLE MRS.JUSTICE R.THARANI

Crl. R.C. (MD)No.79 of 2021

Katthamuthu

..Petitioner/Petitioner/Sole Accused

/Vs./

The State rep. by
The Inspector of Police,
Thirumayam Police Station,
Pudukottai District.

..Respondent/Respondent/Complainant

Prayer: This criminal revision case filed under Section 397 r/w. Section 401 of Cr.P.C., to call for the entire records pertaining to the order in Cr.M.P.No.3810 of 2020 passed by the Principal District and Sessions Court, Pudukkottai dated 28.10.2020 and to set aside the first condition ie., (the petitioner shall deposit a sum of Rs.1,00,000/- as cash security before the Judicial Magistrate, Thirumayam).

For Petitioner
For Respondent

: Mr.A.Arun Prasad
: Mrs.S.Bharathi
Government Advocate

ORDER

This Criminal Revision Case has been filed to call for the entire records pertaining to the order in Cr.M.P.No.3810 of 2020 passed by the learned Principal District and Sessions Court, Pudukkottai dated 28.10.2020 and to set aside the first condition ie., (the petitioner shall deposit a sum of Rs.1,00,000/- as cash security before the Judicial Magistrate, Thirumayam).

2. A Tata Ace bearing Registration No.TN-48-V-0528 was seized by the respondent police in Crime No.282 of 2020. The petitioner filed a petition in Cr.M.P.No.3810 of 2020. That petition was allowed by the learned Principal District and Sessions Court, Pudukkottai, on certain conditions. The petitioner preferred this Revision against the condition No.(i).

3. On the side of the petitioner, it is stated that the allegation against the petitioner is that he illegally transported ½ unit river sand in the Tata Ace. The learned Principal District and Sessions Court, Pudukkottai, has ordered that the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only), which is exorbitant and prayed the condition No.(i) to be modified.

4. On the side of the respondent, it is stated that the offence involved is sand theft and the condition imposed by the trial Court is very reasonable for return of the Tata Ace and prayed the



petition to be dismissed.

5. In view of the allegation against the petitioner and considering the fact that the sand involved is only ½ unit, this Court is inclined to modify the condition No.(i)., is as follows:

"(i).The petitioner shall deposit a sum of **Rs.50,000/- (Rupees Fifty Thousand only)** as cash security before the Judicial Magistrate, Thirumayam."

In respect of other conditions, the order of the learned Principal District and Sessions Judge, Pudukkottai, dated 28.10.2020 in Cr.M.P.No.3810 of 2020 shall remain unaltered. This Criminal Revision Case is allowed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

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 Principal District and Sessions Judge,
Pudukkottai,

2.The Inspector of Police,
Thirumayam Police Station,
Pudukkottai District.

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

+1 CC to M/s.A.ARUN PRASAD, Advocate (SR-4712[F] dated 12/02/2021)

CrI.R.C. (MD)No.79 of 2021
11.02.2021

SSS(CO)

KB(19.02.2021) 2P 5C