



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.04.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.R.C(MD)No.315 of 2021

Pandiselvi

... Petitioner

Vs.

State Rep. by
The Sub Inspector of Police,
Sivagiri Police Station,
Tenkasi District.
(In Crime No.33 of 2018)

...Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records the order passed by the Principal Sessions Judge, Tirunelveli in Cr.M.P.No.10346 of 2019, dated 23.10.2019 and set aside the 5th condition imposed therein and allow this Criminal Revision Petition.

For Petitioner : Mr.M.Ramu

For Respondent : Mr.A.Robinson

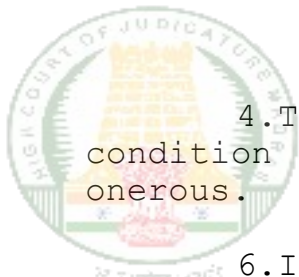
Government Advocate (Crl.side)

O R D E R

This Criminal Revision Petition has been filed to modify the 5th condition imposed by the learned Principal Sessions Judge, Tirunelveli in the order passed in Cr.M.P.No.10346 of 2019, dated 23.10.2019.

2.The petitioner claims to be the owner of the Tractor bearing Registration No.TN-79-D-2590. 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.33 of 2018 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 the learned judge allowed the petition filed by the petitioner in Cr.M.P.No.10346 of 2019, dated 23.10.2019, by imposing the 5th condition to the effect that the petitioner was 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.



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.10346 of 2019, dated 23.10.2019 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 (CSIII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsd

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,
Tirunelveli.
- 2.The Judicial Magistrate, Sivagiri.
- 3.The Chief Judicial Magsitrate, Tirunelveli.
- 4.The Sub Inspector of Police,
Sivagiri Police Station,
Tirunelveli District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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