



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 29.03.2021

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.268 of 2021

M.Jeyaraj

.. Petitioner

Vs.

State rep. By
The Sub Inspector of Police,
E.O.W - II,
Dindigul.
(Crime No.1 of 2020)

.. Respondent

Prayer : This Criminal Revision Case is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the entire records pertaining to the order passed by the learned Special Judge, Special Court for TNPID Act Cases, Madurai in Crl.M.P.No.591 of 2021 dated 17.03.2021 and to set aside the conditions (1) and (2) in respect of directing the petitioner to deposit a total sum of Rs.8,00,000/- for returning his vehicles.

For Petitioner	: Mr.S.Balaji
For Respondent	: Mrs.S.Bharathi
	Government Advocate (Crl. Side)

ORDER

This petition has been filed to set aside the order passed in Cr.M.P.No.591 of 2021 dated 17.03.2021, on the file of the learned Special Judge, Special Court under TNPID Act Cases, Madurai.

2.The respondent seized a Mahindra Bolero and a two wheeler bearing Registration Nos.TN-72-BD-1337 and TN-58-BD-1262 respectively and produced the properties before the Court. Subsequently, the petitioner claiming himself as the owner of the Mahindra Bolero and two wheeler, has approached the learned Special Judge, Special Court under TNPID Act Cases, Madurai, by filing a petition for return of the vehicles and the learned Judge allowed the petition in Crl.M.P.No.591 of 2021 dated 17.03.2021 on certain conditions. Against the condition Nos.1 and 2, the petitioner preferred the Criminal Revision Case.



3.On the side of the petitioner, it is stated that the value of the Bolero itself is less than Rs.5,00,000/-. The petitioner is the second owner. The condition to deposit Rs.1,00,000/- for the return of two wheeler is also not fair, since the price of two wheeler is less than Rs.1,00,000/- and prayed the conditions to be relaxed.

4.On the side of the respondent, it is stated that to ensure the protection of vehicles at the time of trial, the deposit is necessary and prayed the petition to be dismissed.

5.In the above circumstances, this Court is inclined to modify the condition Nos.1 and 2 to the effect that (i)the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.1 of 2020 and (ii)the two wheeler is ordered to be returned on deposit of a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of Crime No.1 of 2020. In respect of other conditions, the order of the learned Special Judge, Special Court under TNPID Act Cases shall remain unaltered.

6.In view of the above, the Criminal Revision Case is partly allowed and the order passed by the learned Special Judge, Special Court under TNPID Act Cases, Madurai in Cr.M.P.No.591 of 2021 dated 17.03.2021, is modified as above.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2021

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.



- 1.The Special Judge,
Special Court under TNPID Act Cases,
Madurai.
- 2.The Sub Inspector of Police,
E.O.W - II,
Dindigul.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
4. The Section Officer,E.R.Section,
Madurai Bench of Madras High Court, Madurai.
(return back the original lower Court order copy to
the learned counsel for the petitioner.

Crl. R.C.(MD)No.268 of 2021
29.03.2021

PK(CO)
TR(24.04.2021) 3P 5C