



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.04.2021

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THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI**

Crl.R.C(MD)No. 301 of 2021

Balamurugan

... Petitioner/Petitioner

Vs.

State Rep. By the Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.
(Crime No. 74 of 2021)

...Respondent/Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to the order passed by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur in Crl.MP. No.634 of 2021 dated 26.03.2021 and set aside the condition in so far directing the petitioner to deposit a sum of Rs.1,00,000/-as cash security.

For Petitioner : Mr.T. Lenin Kumar

For Respondent : Mr.A.Robinson,

Government Advocate (Crl.side)

O R D E R

This petition has been filed to modify the 1st condition imposed by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur in the order passed in Crl.M.P.No. 634 of 2021, dated 26.03.2021.

2.The petitioner claims to be the owner of the JCB bearing Registration No.TN-67-AC-6907 and the lorry bearing Registration No.TN-57-AA-3061. On 22.02.2021, the respondent police intercepted the vehicle of the petitioner and seized the same on the ground that it was used for carrying illegal sand without any valid permit and registered a case in Crime No.74 of 2021 under Section 379 of IPC and Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957. Subsequently, the petitioner has approached the Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, by way of filing a petition in Crl.M.P.No.634 of 2021 for release of the vehicle and the learned judge has allowed



the petition filed by the petitioner by its order, dated 26.03.2021, by imposing the 1st condition to the effect that the petitioner was directed to surrender the original R.C.Book and also to deposit a sum of Rs.1,00,000/- (Rupees One lakh only) before the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, in Crime No.74 of 2021 of Sivakasi East Police Station. Challenging the 1st 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 1st condition imposed by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, is onerous.

5. In view of that, this Criminal Revision is allowed. The order of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, made in Crl.M.P.No. 634 of 2021, dated 26.03.2021 is modified in respect of the 1st condition alone and it is modified to the effect that the petitioner is directed to surrender the original R.C.Book and to deposit a sum of Rs.75,000/- (Rupees Seventy Five thousand only) before the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, to the credit of Crime No.74 of 2021 of Sivakasi East Police Station. In respect of other conditions, the order of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, shall remain unaltered.

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2021

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 District and Sessions Judge,
Virudhunagar District at Srivilliputhur.



2. The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.

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

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-16104[F] dated
16/04/2021)

Cr1.R.C(MD) No.301 of 2021
16.04.2021

mj (CO)
TR(20.04.2021) 3P 5C