



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.04.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.R.C(MD)No.355 of 2021

Arunprakash

... Petitioner

Vs.

The State Rep. by,
The Inspector of Police,
Nachiyarpuram Police Station,
Sivagangai District.
(Cr.No.188 of 2020)

...Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the impugned condition No.(ii) made in the order, dated 23.01.2021 made in Crl.M.P.No.146 of 2021 on the file of the Principal Sessions Judge, Sivagangai and consequently return the petitioner's vehicle of lorry bearing Registration No.TN-52-C-1110 to the petitioner forthwith.

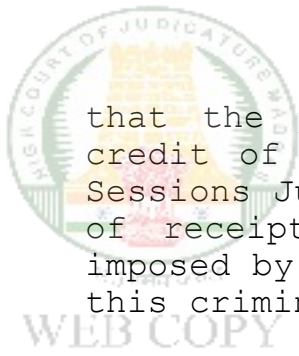
For Petitioner : Mr.M.S.Jeyakarthick
for Mr.S.Vidhya Sagar

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.side)

O R D E R

This petition has been filed to modify the impugned condition No.(ii) made in the order, dated 23.01.2021 made in Crl.M.P.No.146 of 2021 on the file of the learned Principal Sessions Judge, Sivagangai.

2.The petitioner claims to be the owner of the Lorry bearing Registration No.TN-52-C-1110. 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.188 of 2020 under Section 379 IPC. Subsequently, the petitioner has approached the learned Principal Sessions Judge, Sivagangai, by way of filing a petition in Cr.M.P.No.144 of 2021 for release of the vehicle and the learned judge has allowed the petition filed by the petitioner by its order dated 23.01.2021, by imposing the (ii) nd condition to the effect



that the petitioner should deposit a sum of Rs.50,000/- to the credit of Cr.No.188 of 2020 on the file of the learned Principal Sessions Judge, Sivagangai within a period of one week from the date of receipt of a copy of that order. Challenging the 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 (ii)nd condition imposed by the learned Principal Sessions Judge, Sivagangai, is onerous.

5.In view of that, this Criminal Revision is partly allowed. The order of the learned Principal Sessions Judge, Sivagangai, made in Crl.M.P.No.146 of 2021, dated 23.01.2021 is modified to the effect that the petitioner shall deposit a sum of Rs.50,000/- to the credit of Cr.No.188 of 2020 on the file of the learned Principal Sessions Judge, Sivagangai, **within a period of two weeks from the date of receipt of a copy of this order.** In respect of other conditions, the order of the learned Principal Sessions Judge, Sivagangai, shall remain unaltered.

Sd/-

Assistant Registrar(CS-I)

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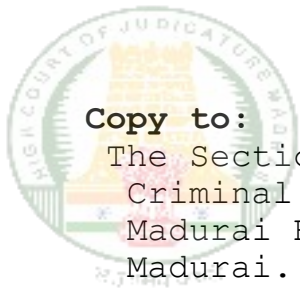
/ /2021

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 Sessions Judge,
Sivagangai.
- 2.The Inspector of Police,
Nachiyarpuram Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



Copy to:

The Section Officer,
Criminal Section(Records),
Madurai Bench of Madras High Court,
Madurai.

WEB COPY

+1 CC to M/s.S.VIDHYASAGAR, Advocate (SR-18164[F] dated
30/04/2021)

Cr1.R.C(MD)No.355 of 2021
30.04.2021

AS (26.05.2021) 3P 6C