



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **29.04.2021**

CORAM

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

Crl.R.C(MD)No.342 of 2021

Kumaresan

... Petitioner/Petitioner/Owner of
the vehicle

Vs.

State Represented by
The Inspector of Police,
Kulithalai Police Station,
Karur District.

(Crime No.411 of 2019)

... Respondent/Respondent

Prayer : This Criminal Revision petition has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records of the learned Sessions Judge, Karur in Cr.M.P.No.1137 of 2020, dated 25.08.2020 and set aside the portion of condition with regard to deposit of Rs.2,00,000/- in Crime No.411 of 2019 on the file of the respondent police and surrender of original RC Book and permit the petitioner to produce Xerox Copy of the original RC Book relating to its vehicle bearing Registration No.KA 48 M 0962 (JCB).

For Petitioner : Mr.S.Deenadhayalan

For Respondent : Mr.R.Saravanakumar
Government Advocate (Crl.side)

O R D E R

This Criminal Revision Petition has been filed to modify the condition No.1 imposed by the learned Sessions Judge, Karur, in the order passed in Cr.M.P.No.1137 of 2020, dated 25.08.2020.

2.The petitioner claims to be the owner of the JCB bearing Registration No.KA-48-M-0962. On 25.09.2019, the respondent police seized the vehicle on the ground that it was used for committing the offence of transporting the illegal sand and registered a case in Crime No.411 of 2019 under Section 379 of IPC r/w 21(1) of Mines and Minerals (Development & Regulation) Act, 1957. Subsequently, the petitioner has approached the learned Sessions Judge, Karur, by filing a petition for release of the JCB and the learned Judge allowed the petition filed by the petitioner in Cr.M.P.No.1137 of 2020, dated 25.08.2020, by imposing the 1st condition to the effect that the petitioner is directed to submit the original R.C. Book and also to deposit a sum of Rs.2,00,000/- before the Sessions Judge, Karur in Crime No.411 of 2019. 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
<https://hcservices.ecourts.gov.in/hcservices/>



perused the materials available on record.

4.The only grievance of the petitioner is that the condition imposed by the learned Sessions Judge is onerous.

5.In view of that, this Criminal Revision is allowed. The order of the learned Sessions Judge, Karur, made in Cr.M.P.No.1137 of 2020, dated 25.08.2020 is modified in respect of the 1st condition alone and it is modified to the effect that the petitioner is directed to submit the certified copy of the RC Book and also to deposit a sum of Rs.1,75,000/- (Rupees One Lakh and Seventy Five Thousand Only) before the learned Sessions Judge, Karur in Crime No.411 of 2019 pending on the file of the Kulithalai Police Station. In respect of other conditions, the order of the learned Sessions Judge shall remain unaltered.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sjj

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 Sessions Judge, Karur.

2.The Inspector of Police,
Kulithalai Police Station,
Karur District.

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

+1 CC to M/s.S.DEENADHAYALAN, Advocate (SR-18132[F] dated 30/04/2021)

Cr1.R.C(MD)No.342 of 2021
29.04.2021

KK(29.06.2021) 2P 5C