



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **29.04.2021**

CORAM

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

Cr1.R.C(MD)No.344 of 2021

Mariappan

... Petitioner/Petitioner

Vs.

State Represented by
The Inspector of Police,
Alwarkurichi Police Station,
Tenkasi District.
(Crime No.56 of 2021)

...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 pertaining to Cr.M.P.No.2510 of 2021, dated 15.04.2021 on the file of the learned Principal Sessions Judge, Tirunelveli and set aside the condition Nos.1, 2 and 5 imposed in Cr.M.P.No.2510 of 2021, dated 15.04.2021 on the file of the learned Principal Sessions Judge.

For Petitioner : Mr.R.Ponkarthikeyan

For Respondent : Mr.R.Saravanakumar

Government Advocate (Cr1.side)

O R D E R

This petition has been filed to modify the condition Nos.1, 2 & 5 imposed by the learned Principal Sessions Judge, Tirunelveli in the order passed in Cr.M.P.No.2510 of 2021, dated 15.04.2021.

2.The petitioner claims to be the owner of the JCB 3DX Excavator bearing Registration No.TN-22-CA-0923. On 25.02.2021, 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.56 of 2021 under Section 379 of IPC. Subsequently, the petitioner has approached the learned Principal Sessions Judge, Tirunelveli, by way of filing a petition in Cr.M.P.No.2510 of 2021 for release of the JCB 3DX Excavator and the learned Judge has allowed the petition filed by the petitioner by its order dated 15.04.2021, by imposing the conditions, which are as follows:-

(1)The petitioner is directed to deposit a sum of Rs.50,000/- to the District Mineral Foundation Trust, Tirunelveli.

(2)After the payment of deposit before the Trust,



it is ordered to return JCB 3DX Excavator bearing Registration No.TN-22-CA-0923 (P.R.No.84 of 2021) to the petitioner for his interim custody, on executing a bond for a sum of Rs.5,00,000/- with one solvent surety for the likesum to the satisfaction of the learned Judicial Magistrate, Ambasamudram

(3)The photograph of the vehicle with compact disc attested by petitioner and Investigating Officer should be kept in Judicial Magistrate, Ambasamudram.

(4)A detailed Panchnama should be prepared.

(5)The petitioner is directed to submit the original R.C. Book before the Judicial Magistrate, Ambasamudram.

(6)The petitioner shall not alienate or encumber the said property;"

Challenging the 1st, 2nd and 5th conditions 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, 2nd and 5th conditions imposed by the learned Principal Sessions Judge, Tirunelveli are onerous.

5.In view of that, this Criminal Revision is partly allowed. The order of the learned Principal Sessions Judge, Tirunelveli, made in Cr.M.P.No.2510 of 2021, dated 15.04.2021 is modified in respect of the 2nd and 5th conditions and the 2nd condition is modified to the effect that the petitioner shall execute a bond for a sum of Rs.2,00,000/- (Rupees Two Lakhs only) with one solvent surety for the likesum to the satisfaction of the learned Judicial Magistrate, Ambasamudram and the 5th condition is modified to the effect that the petitioner is directed to produce the certified copy of the R.C.Book at the time of furnishing sureties. In respect of other conditions, the order of the learned Principal Sessions Judge, Tirunelveli, shall remain unaltered.

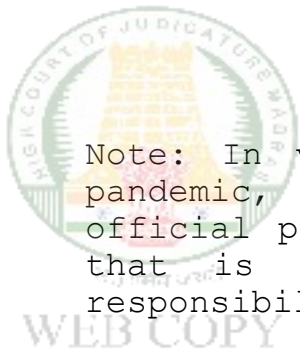
Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /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, Tirunelveli.

2.The Judicial Magistrate, Ambasamudram

3.The Inspector of Police,
Alwarkurichi Police Station,
Tenkasi District.

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

+1 CC to M/s.R.PONKARTHIKEYAN, Advocate (SR-18220[F] dated
30/04/2021)

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KB(29.06.2021) 3P 6C