



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.07.2021

CORAM

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

Crl.R.C(MD)No.356 of 2021

T.Issac

... Petitioner/Petitioner

Vs.

State of Tamil Nadu Rep. by
The Inspector of Police,
Thiruvattar Police Station,
Represented by Public Prosecutor,
Nagercoil,
Kanyakumari District.
(Cr.No.447 of 2020)

... Respondent/Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records and set aside the order passed in Crl.M.P.No.1401 of 2021 in Crl.M.P.No.858 of 2021, dated 08.03.2021 on the file of Principal District and Sessions Judge (Special Court), Kanyakumari Division at Nagercoil.

For Petitioner : Mr.N.S.Ramakrishna Dass

For Respondent : Mr.P.Kottaichamy

Standing Counsel

for State Government (Crl.side)

O R D E R

This petition has been filed to set aside the order passed by the learned Principal District and Sessions Judge (Sepcial Court), Kanyakumari Division at Nagercoil in the order passed in Crl.M.P.No.1401 of 2021 in Crl.M.P.No.858 of 2021, dated 08.03.2021.

2.The petitioner claims to be the owner of the Mahindra Nissan Tipper vehicle bearing Registration No.TN-74-AW-5016. 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.447 of 2020 under Section 379 IPC. Subsequently, the petitioner has approached the learned Principal Sessions Judge, Kanyakumari District at Nagercoil, by way of filing a petition in Crl.M.P.No.858 of 2021 for release of the vehicle and the learned judge has allowed the petition filed by the petitioner by its order dated 22.02.2021, by imposing the 1st condition to the effect that the petitioner should execute a bond for a sum of Rs.7,00,000/- (Rupees Seven lakhs only) with two solvent sureties (Solvency Certificate to be obtained from the concerned Tahsildar) each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Padmanabhapuram. Challenging the 1st condition imposed by the trial Court, the petitioner has approached the learned Principal Sessions Judge, Kanyakumari District at Nagercoil by way of filing a petition



in Crl.M.P.No.1401 of 2021. The learned judge has dismissed the petition filed by the petitioner by its order dated 08.03.2021. Challenging the said order, 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 Sessions Judge, Kanyakumari District at Nagercoil is onerous.

5.In view of that, this Criminal Revision Case is allowed. The order of the learned Principal Sessions Judge, Kanyakumari District at Nagercoil, made in Crl.M.P.No.1401of 2021, dated 08.03.2021 is modified in respect of the 1st condition alone and it is modified to the effect that the petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties (Solvency Certificate to be obtained from the concerned Tahsildars) each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Padmanabhapuram. In respect of other conditions, the order of the learned Principal Sessions Judge, Kanyakumari District at Nagercoil, shall remain unaltered.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

CM

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 (Special Court),
Kanyakumari Division at Nagercoil.

2.The Inspector of Police,
Thiruvattar Police Station,
Represented by Public Prosecutor,
Nagercoil,
Kanyakumari District.



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

4.The judicial Magistrate No II, Padmanabhapuram.

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16.07.2021

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