



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.06.2021

CORAM

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

CrI.R.C(MD)No.377 of 2021

Jeya Singh Moses

... Petitioner/Petitioner

Vs.

The Sub Inspector of Police,
Thiruvattar Police Station,
Rep. by the Public Prosecutor,
Kanyakumari District at Nagercoil.
(Crime No.496 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 pertaining to the order, dated 17.02.2021 passed in Cr.M.P.No.952 of 2021 on the file of the Principal Sessions Judge, Kanyakumari District at Nagercoil and set aside the condition imposed in para 6(ii) of the order directing the petitioner to deposit the R.C.Book.

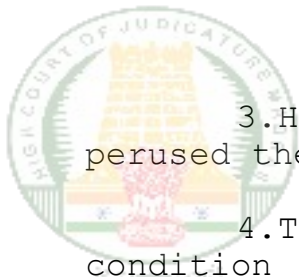
For Petitioner : Mr.P.Vinoth

For Respondent : Mr.RMS.Sethuraman,
Standing Counsel

O R D E R

This Criminal Revision Petition has been filed to modify the condition in para No.6(ii) imposed by the learned Principal Sessions Judge, Kanyakumari District at Nagercoil in the order passed in Cr.M.P.No.952 of 2021, dated 17.02.2021.

2.The petitioner claims to be the owner of the Tempo bearing Registration No.TN-75-E-3580. The respondent police intercepted the vehicle of the petitioner and seized the same on the allegation that it was used for carrying illegal sand without any valid permit and registered a case in Crime No.496 of 2020 under Section 379 of IPC. Subsequently, the petitioner has approached the learned Principal Sessions Judge, Kanyakumari District at Nagercoil, by filing a petition for release of the vehicle and the learned judge allowed the petition filed by the petitioner in Cr.M.P.No.952 of 2021, dated 17.02.2021, by imposing the (ii)nd condition to the effect that the petitioner was directed to submit the original R.C.Book before the learned Judicial Magistrate No.II, Padmanabhapuram. Challenging the (ii)nd 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 is onerous.

5.In view of that, this Criminal Revision is allowed. The order of the learned Principal Sessions Judge, Kanyakumari District at Nagercoil, made in Cr.M.P.No.952 of 2021, dated 17.02.2021 is set aside in respect of the (ii)nd condition alone and it is modified to the effect that the petitioner is directed to submit the certified copy of the R.C.Book before the learned Judicial Magistrate No.II, Padmanabhapuram. In respect of other conditions, the order of the learned Principal Sessions Judge shall remain unaltered.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsd

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,
Kanyakumari District at Nagercoil

2.The Judicial Magistrate No.II, Padmanabhapuram.

3.The Sub Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District at Nagercoil.

Copy to

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

+1 CC to M/s.M.SARAVANAN, Advocate (SR-19226[F] dated 14/06/2021)
CrI.R.C(MD)No.377 of 2021
14.06.2021

srk(CO)

TR(23.06.2021) 2P 6C

<https://hcservices.ecourts.gov.in/hcservices/>