



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.07.2021**

CORAM

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

Cr1.R.C(MD)No.413 of 2021

WEB COPY

K.Loganathan : Petitioner/Petitioner/3rd Party
Vs.

State through
The Inspector of Police,
Vilathikulam Police Station,
Thoothukudi District.

(Crime No.135 of 2021) : Respondent/Respondent/Complainant

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 condition No.1 in the order Cr.M.P No.1565 of 2021, dated 29.04.2021 passed by the learned Incharge of Principal Sessions Judge, Thoothukudi.

For Petitioner : Mr.N.Kamesh

For Respondent : Mr.P.Kottaichamy
Counsel for State Government
(Criminal side)

O R D E R

This Criminal Revision has been filed to set aside the condition No.1 in the order Cr.M.P No.1565 of 2021, dated 29.04.2021 passed by the learned Incharge of Principal Sessions Judge, Thoothukudi.

2.The petitioners claim to be the owner of the Tipper Lorry TN-45-CZ-0967. On 07.03.2021, the respondent police intercepted the alleged vehicle of the petitioner and seized the same on the allegation that it was used for carrying illegal M-sand without any valid permit and registered a case in Crime No.135 of 2021 for the offence under section 379 IPC r/w section 21(1) and (4) of Mines and Minerals (Development and Regulation Act), 1957. Subsequently, the petitioner, being the owner of the seized vehicle approached the learned Principal Sessions Judge, Thoothukudi, by filing a petition for release of the Tipper Lorry and the learned Judge allowed the petition filed by the petitioner in Cr.M.P No.1565 of 2021, dated 29.04.2021, by imposing the 1st condition to the effect that the petitioner is directed to deposit a cash security of Rs.1,00,000/- (Rupees One Lakh only) before this court. Challenging the 1st condition imposed by the trial Court, the petitioner is before this Court with this criminal revision.

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

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 1th condition imposed by the learned Sessions Judge is onerous.

5.In view of that, this Criminal Revision is allowed. The order of the learned Principal Sessions Judge, Thoothukudi, made in Cr.M.P.No.1565 of 2021, dated 29.04.2021, in respect of the 1st condition alone is modified to the effect that the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) at the time of furnishing sureties. In respect of other conditions, the order of the learned Sessions Judge shall remain unaltered.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

er

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,
Thoothukudi.
- 2.The Inspector of Police,
Vilathikulam Police Station,
Thoothukudi.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.R.C(MD)No.413 of 2021

06.07.2021

KK(09.07.2021) 2P 4C