



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.08.2021

CORAM

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

Crl.R.C(MD)No.478 of 2021

N.Anandhan

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Mannachanallur Police Station,
in Cr.No.110 of 2021,
Trichy District.

... Respondent

Prayer: This Criminal Revision Case has been filed under Section 397, r/w 401 of Criminal Procedure Code, to call for the records relating to the order passed by learned Principal Sessions Judge, Trichy in Cr.M.P.No.69 of 2021 dated 06.05.2021 and set aside the order in respect of condition No.1, 2 & 8 imposed by the learned Principal Sessions Judge, Trichy and allow this revision petition.

For Petitioner : Mr.A. Azhageson

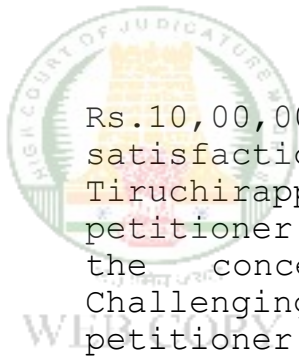
For Respondent : Mr.RMS.Sethuraman

Counsel for State (Crl.side)

O R D E R

This Criminal Revision Case has been filed to modify the condition Nos.1, 2 & 8 imposed by the learned Principal Sessions Judge, Trichy in the order passed in Cr.M.P.No.69 of 2021, dated 06.05.2021.

2.The petitioner claims to be the owner of the vehicles Tipper Lorry bearing registration number TN 28 AB 6111, and a JCB INDIA LTD Model 2DX BACK HOE LOADER bearing registration No. TN 55 Z 3053. 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.110 of 2021 under Section 379 of IPC r/w Section 21 (1) of Mines and Mineral (Development and Regulation) Act 1957. Subsequently, the petitioner has approached the learned Principal Sessions Judge, Trichy District, by way of filing a petition in Cr.M.P.No.69 of 2021 for release of the vehicle and the learned judge has allowed the petition filed by the petitioner by its order dated 06.05.2021, by imposing the 1st condition to the effect that the petitioner shall deposit a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) before the District Mineral Foundation Trust, Tiruchirappalli as non refundable deposit, the 2nd condition to the effect that the petitioner shall execute his own bond for a sum of



Rs.10,00,000/- with two sureties for each a like sum each to the satisfaction of the learned Judicial Magistrate No.III, Tiruchirappalli and the 8th condition to the effect that the petitioner shall surrender original R.C.Book of both vehicles before the concerned Judicial Magistrate No.III, Tiruchirappalli. Challenging the said 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 1, 2 and 8 conditions imposed by the learned Principal Sessions Judge, Trichy, are onerous.

5.In view of that, this Criminal Revision Case is partly allowed. The order of the learned Principal Sessions Judge, Trichy, made in Cr.M.P.No.69 of 2021, dated 06.05.2021 is modified in respect of the second and eighth conditions are alone and in the second condition it is modified to the effect that the petitioner shall execute his own bond for a sum of Rs.3,00,000/- with two sureties for each a like sum each to the satisfaction of the learned Judicial Magistrate No.III, Tiruchirappalli and in the eighth condition it is modified to the effect that the petitioner is directed to produce the attested copy of the R.C. Book obtained from the financier of both vehicles before the concerned Judicial Magistrate No.III, Tiruchirappalli. In respect of other conditions, the order of the learned Principal Sessions Judge, Trichy, shall remain unaltered.

Sd/-

Assistant Registrar (W)

// 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,
Trichy.



2.The Judicial Magistrate No.III,
Trichy.

3.The Inspector of Police,
Mannachanallur Police Station,
Trichy District.

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

Crl.R.C(MD)No.478 of 2021

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RS (02.09.2021) 3P 5C