



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.07.2021**

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

Crl.R.C(MD)No.429 of 2021

Velusamy

: Petitioner/Petitioner

Vs.

The State through
The Inspector of Police,
Vangal Police Station,
Karur District.
(Crime No.53 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 of the learned Sessions Judge, Karur, dated 23.07.2020 made in Crl.M.P No.857 of 2020 and modify the 1st condition, imposed in the order made in the application for return of property filed under section 451 of Cr.P.C. 1973 and allow the revision.

For Petitioner : Mr.K.Arunraj

For Respondent : Mr.RMS.Sethuraman
Counsel for State Government

O R D E R

This Criminal Revision has been filed to modify the 1st condition imposed by the learned Sessions Judge, Karur, dated 23.07.2020 in Crl.M.P No.857 of 2020.

2.The petitioners claim to be the owner of the Tipper Lorry TN-28-AE-8146. On 19.03.2020, the respondent police intercepted the alleged 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.53 of 2020 for the offence under section 379 IPC r/w section 21(1) of Mines and Minerals (Development and Regulation Act), 1957. Subsequently, the petitioner, being the owner of the seized vehicle approached the learned Sessions Judge, Karur, 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.857 of 2020, dated 23.07.2020, by imposing the 1st condition to the effect that the petitioner is



directed to produce the original RC Book at the time of furnishing sureties. Challenging the 1st 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 petitioners is that the original RC is in the custody of Sri Balaji Auto Finance, Paramathi Velur, Namakkal District, since he availed loan from the said finance for the purchase of the vehicle and hence, 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 Sessions Judge, Karur, made in Cr.M.P.No.857 of 2020, dated 23.07.2020, in respect of the 1st condition alone is modified to the effect that the petitioner is directed to produce the certified copy of the RC Book and also 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(AD-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 Sessions Judge, Karur.

2. The Inspector of Police,

Vangal Police Station, Karur District.

3. The Additional Public Prosecutor,

Madurai Bench of Madras High Court, Madurai.

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