



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

CrI.R.C(MD)No.509 of 2021

WEB COPY

Naganathasethupathiraja

... Petitioner/Petitioner/
owner of the vehicle

Vs.

State through
The Inspector of Police,
Salaigramam Police Station,
Sivagangai District.
(In Crime No.132 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 pertaining to the order passed in Cr.M.P.No.2104 of 2021, dated 26.07.2021 on the file of the Principal Sessions Judge, Sivagangai and set aside and modify the onerous conditions of 1 and 3.

For Petitioner : Mr.T.Veerakumar
For Respondent : Mr.RMS.Sethuraman
Counsel for State Government (CrI.side)

O R D E R

This petition has been filed to modify the condition Nos.1 & 3 imposed by the learned Principal Sessions Judge, Sivagangai in the order passed in Cr.M.P.No.2104 of 2021, dated 26.07.2021.

2.The petitioner claims to be the owner of the Tractor bearing Registration No.TN-65-AE-0259. 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.132 of 2021 under Section 379 IPC and Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957. Subsequently, the petitioner has approached the learned Principal Sessions Judge, Sivagangai, by way of filing a petition in Cr.M.P.No.2104 of 2021 for release of the vehicle and the learned judge has allowed the petition filed by the petitioner by its order dated 26.07.2021, by imposing the 1st condition to the effect that the petitioner should deposit a sum of Rs.20,000/- in the name of Tamil Nadu Chief Minister's Public Relief Fund (Covid-19), Indian Overseas Bank Secretariat Branch Chennai, Account No.117201000000070, IFSC Code IOBA0001172. It will be a non-refundable payment and the 3rd condition to the effect that the petitioner should deposit a sum of Rs.50,000/- before the Principal



Sessions Court, Sivagangai in Crl.M.P.No.2104 of 2021 within a period of one week from the date of receipt of a copy of the order. Challenging the 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 1st and 3rd conditions imposed by the learned Principal Sessions Judge, Sivagangai are onerous.

5.In view of that, this Criminal Revision is partly allowed. The order of the learned Principal Sessions Judge, Sivagangai, made in Cr.M.P.No.2104 of 2021, dated 26.07.2021 is modified in respect of the condition No.3 alone and it is modified to the effect that the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) before the Principal Sessions Court, Sivagangai in Crl.M.P.No.2104 of 2021 within a period of one week from the date of receipt of a copy of this order. In respect of other conditions, the order of the learned Principal Sessions Judge, Sivagangai, shall remain unaltered.

Sd/-

Assistant Registrar (W)

// 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, Sivagangai.

2.The Inspector of Police,
Salaigramam Police Station,Sivagangai District.

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

+1 CC to M/s.T.VEERAKUMAR, Advocate (SR-25709[F] dated 09/08/2021)

Crl.R.C (MD) No.509 of 2021
06.08.2021

RD(16.08.2021) 2P 5C

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