



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.08.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.R.C (MD)No.543 of 2021

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Preethi

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Salaigramam Police Station,
Sivagangai District.
(Cr.No.115 of 2021)

...Respondent

Prayer : This Criminal Revision is 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.2251 of 2021, dated 09.08.2021 on the file of the Principal Sessions Judge, Sivagangai and modify the onerous 2nd condition.

For Petitioner	: Mr.R.Vinoth
For Respondent	: Mr.RMS.Sethuraman
	Counsel for State Government
	(Crl.side)

O R D E R

This petition has been filed to modify the 2nd condition imposed by the learned Principal Sessions Judge, Sivagangai in the order passed in Cr.M.P.No.2251 of 2021, dated 09.08.2021.

2.The petitioner claims to be the owner of the Mahindra Tractor bearing Registration No.TN-49-BX-0457 (Engine No.391358SWA00664, Chassis Number WYTA28934119635). 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.115 of 2021 under Section 379 IPC and 21(4) of Mines & Minerals (Development & Registration) Act 1957. Subsequently, the petitioner has approached the learned Principal Sessions Judge, Sivagangai, by way of filing a petition in Crl.M.P.No.2251 of 2021 for release of the vehicle and the learned judge has allowed the petition filed by the petitioner by its order dated 09.08.2021, by imposing the 2nd condition to the effect that the petitioner should deposit a sum of Rs.50,000/- before the learned Principal Sessions



Judge, Sivagangai in Crl.M.P.No.2251 of 2021, within a period of one week from the date of receipt of a copy of that order. Challenging the 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 2nd condition imposed by the learned Principal Sessions Judge, Sivagangai, is onerous.

5.In view of that, this Criminal Revision is allowed. The order of the learned Principal Sessions Judge, Sivagangai, made in Cr.M.P.No.2251 of 2021, dated 09.08.2021 is modified in respect of 2nd condition 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 learned Principal Sessions Judge, Sivagangai in Cr.M.P.No.2251 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 (CO)

// 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.

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19.08.2021

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SB (31.08.2021) 3P 4C