



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.R.C(MD)No.559 of 2021

WEB COPY

Subramanian

... Petitioner/Petitioner/
Owner of the Vehicle

Vs.

State Rep. by
The Inspector of Police,
Thiruvegampathur Police Station,
Sivagangai District.
(Cr.No.162 of 2021)

...Respondent/Respondent

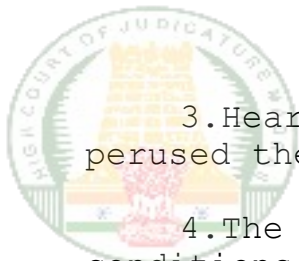
Prayer : This Criminal Revision is filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to the order passed in Cr.M.P.No.2403 of 2021, dated 12.08.2021 on the file of the Principal Sessions Judge, Sivagangai and set aside and modify the onerous 1st and 2nd conditions.

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

O R D E R

This petition has been filed to modify the 'condition Nos.1 and 2' imposed by the learned Principal Sessions Judge, Sivagangai in the order passed in Cr.M.P.No.2403 of 2021, dated 12.08.2021.

2.The petitioner claims to be the owner of the Ashok Leyland Lorry bearing Registration No. TN-69-AA-2399 (Engine No.YXE113348Z Chassis No.MB1G3DWCJ19EYB3480). The respondent police has 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.162 of 2021 under Sections 279, 336, 353, 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.2403 of 2021 for release of the vehicle and the learned judge has allowed the petition filed by the petitioner by its order dated 12.08.2021, by imposing the 1st condition to the effect that the petitioner should deposit the original Registration Certificate of the vehicle and the 2nd condition to the effect that the petitioner should deposit a sum of Rs.1,50,000/- before the trial Court in Crl.M.P.No.2403 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 2nd conditions imposed by the learned Principal Sessions Judge, Sivagangai are onerous.

5.In view of that, this Criminal Revision Case is allowed. The order of the learned Principal Sessions Judge, Sivagangai, made in Cr.M.P.No.2403 of 2021, dated 12.08.2021 is modified in respect of the 1st and 2nd conditions are alone and in the 1st condition it is modified to the effect that the petitioner is directed to produce the attested copy of the original Registration Certificate of the vehicle obtained from the financier and in the 2nd condition it is modified to the effect that the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty thousand only) before the trial Court in Cr1.M.P.No.2403 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 (Records)

// 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,
Thiruvegampathur Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Cr1.R.C (MD) No.559 of 2021

GC (03.09.2021) 2P 4C