



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.08.2021**

CORAM:

THE HONOURABLE MR.JUSTICE **G. ILANGO VAN**
CRL.R.C. (MD).No.572 of 2021

Sathishkanna

... Petitioner/Petitioner

Vs.

The Inspector of Police,
Avudaiyarkoil Police Station,
Pudukottai District.
Crime No.267 of 2021

... Respondent/Respondent

PRAYER : Criminal Revision Petition is filed under Sections 397 & 401 of Criminal Procedure Code, to call for the records pertaining to the order passed by the Principal District and Sessions Court, Pudukkottai in Crl.M.P.No.2800 of 2021 dated 28.07.2021 and set aside the condition in so far directing the petitioner to deposit a sum of Rs.20,000/- as cash security.

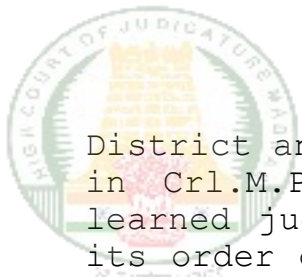
For Petitioner : Mr.T.Lenin Kumar

For Respondent : Mr.R.M.S.Sethuraman
Government Advocate
(Criminal Side)

O R D E R

This petition has been filed to call for the records pertaining to the order passed by the Principal District and Sessions Court, Pudukkottai in Crl.M.P.No.2800 of 2021 dated 28.07.2021 and set aside the condition in so far directing the petitioner to deposit a sum of Rs.20,000/- as cash security.

2.The petitioner claims to be the owner of the Bullock Cart. The respondent police intercepted the vehicle of the petitioner and seized the same on the ground that it was used for transporting ¼ unit of sand without any valid permit and registered a case in Crime No.267 of 2021 under Section 379 IPC r/w Sections 21(1), 21(2) of Mines and Minerals (Development and Regulation) Act, 1957. Subsequently, the petitioner has approached the learned Principal



District and Sessions Court, Pudukottai, by way of filing a petition in Crl.M.P.No.2800 of 2021 for release of the vehicle and the learned judge has allowed the petition filed by the petitioner by its order dated 28.07.2021, by imposing the condition to the effect that the petitioner was directed to remit a sum of Rs.20,000/- (Rupees Twenty Thousand Only) as non-refundable amount to the Tamil Nadu Chief Minister's Relief Fund. 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 condition imposed by the trial court to the effect that the petitioner was directed to remit a sum of Rs.20,000/- (Rupees Twenty Thousand Only) is onerous.

5. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that since a sum of Rs.20,000/- (Rupees Twenty Thousand Only) has been ordered by the trial Court, he leaves discretion of this Court to modify the condition.

6. In view of that, this Criminal Revision Case is allowed. The order of the learned Principal District and Sessions Court, Pudukottai, made in Crl.M.P.No.2800 of 2021, dated 28.07.2021 is modified in respect of the condition (a) is alone to the effect that the petitioner is directed to remit a sum of Rs.5,000/- (Rupees Five thousand only) as costs within a period of two weeks from the date of receipt of a copy of this order to the Tamil Nadu Chief Minister's Relief Fund.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ssb

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 District and Sessions Judge,
Pudukottai.
- 2.The Inspector of Police,
Avudaiyarkoil Police Station,
Pudukottai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

The Officer in Charge,
Tamil Nadu Chief Minister's relief fund,
Secretariat,
Chennai-600 009.

CRL.R.C. (MD) .No.572 of 2021
27.08.2021

MGJ(08.09.2021) 3P 5C