



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 01.09.2021
CORAM

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

WEB COPY

Crl.R.C(MD)No.564 of 2021

P.Venkatesan ... Petitioner/Petitioner
Vs.
State through
The Inspector of Police,
Manapparai Police Station,
Trichy District.
(Crime No.869 of 2021) ...Respondent/Respondent

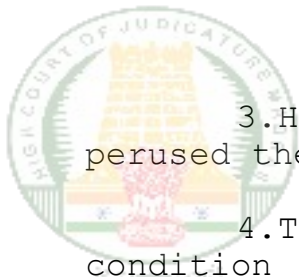
Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records relating to the order passed by the Principal District & Sessions Judge, Tiruchirappalli in Crl.M.P.No.2946 of 2021, dated 10.08.2021 set aside the same and allow this revision petition.

For Petitioner : Mr.C.Susi Kumar
For Respondent : Mr.RMS.Sethuraman,
Counsel for State Government (Crl.side)

O R D E R

This petition has been filed to set aside the order passed in Cr.M.P.No.2946 of 2021, dated 10.08.2021 on the file of the learned Principal District and Sessions Judge, Tiruchirappalli.

2.The petitioner claims to be the owner of the JCB 3 DX SIDE SHIFT BACKHOE LOADEN bearing Registration No.TN-15-Q-9243. On 13.07.2021, 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.869 of 2021 under Section 379 IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957. Subsequently, the petitioner has approached the learned Principal District and Sessions Judge, Tiruchirappalli, by way of filing a petition in Cr.M.P.No.2946 of 2021 for release of the vehicle and the learned judge has allowed the petition filed by the petitioner by its order, dated 10.08.2021, by imposing the 6th condition to the effect that the petitioner shall produce all the documents of ownership and surrender the original R.C.Book before the concerned Judicial Magistrate. Challenging the 6th 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 6th condition imposed by the learned Principal District and Sessions Judge, Tiruchirappalli, is onerous.

5.In view of that, this Criminal Revision is partly allowed. The order of the learned Principal District and Sessions Judge, Tiruchirappalli, made in Crl.M.P.No.2946 of 2021, dated 10.08.2021 is modified in respect of the 6th condition alone and in the 6th condition it is modified to the effect that the petitioner shall produce all the documents of ownership and to produce the attested copy of the R.C.Book obtained from the financier before the concerned Judicial Magistrate. In respect of other conditions, the order of the learned Principal District and Sessions Judge, Tiruchirappalli, shall remain unaltered.

Sd/-

Assistant Registrar (CS-II)

// 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 District and Sessions Judge,
Tiruchirappalli.

2.The Inspector of Police,
Manapparai Police Station,
Trichy District.

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

Crl.R.C (MD) No.564 of 2021
01.09.2021

RD(8.09.2021) 2P 4C