



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.R.C(MD)No.596 of 2021

Sekar

... Petitioner/Petitioner/
Owner of the Vehicle

Vs.

1.The Inspector of Police,
Sakkottai Police Station,
Sivagangai District.

2.The Branch Manager,
HDFC Bank Ltd.,
414/2 near Bus Stop,
Mithra Vayal, Karaikudi Taluk,
Sivagangai District. ...Respondent/Respondent/Complainant
(2nd respondent is formal party)
Notice may be dispense with)

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to impugned order passed by the Principal Sessions Judge, Sivagangai in Crl.M.P.No.1937 of 2021, dated 05.08.2021 in Crime No.125 of 2021 and set aside the conditions imposed by the Judge insofar as deposit a sum of Rs.75,000/- concerned and allow the revision petition.

For Petitioner : Mr.A.Shajahan
For R1 : Mr.RMS.Sethuraman
Counsel for State Government (Crl.side)

O R D E R

This petition has been filed to modify the condition No.2 imposed by the learned Principal Sessions Judge, Sivagangai in the order passed in Cr.M.P.No.1937 of 2021, dated 05.08.2021.

2.The petitioner claims to be the owner of the Tractor with Tractor bearing Registration No.TN-63-BX-2495 (Engine No.391354HN016317A, Chassis No.MBNAJ48AFKTA54132). 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.125 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.1937 of 2021 for release of the vehicle and the learned judge has allowed the petition filed by the petitioner by its order dated 05.08.2021, by imposing the 2nd condition to the effect that the petitioner should deposit a sum of Rs.75,000/- before the Principal Sessions Court, Sivagangai in Crl.M.P.No.1937 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 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.1937 of 2021, dated 05.08.2021 is modified in respect of the condition No.2 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. 1937 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 (AD-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 Sessions Judge,
Sivagangai.

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

Copy to:-

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

+1 CC to M/s.A.SHAJAHAN, Advocate (SR-28097[F]
dated 03/09/2021)

Crl.R.C (MD) No.596 of 2021
03.09.2021

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