



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 20.09.2021
CORAM

THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI**
Crl.R.C(MD)No.630 of 2021

WEB COPY

Justin ... Petitioner
Vs.

The Sub Inspector of Police,
Kadayalumoodu Police Station,
Rep. by Public Prosecutor,
Kanyakumari District at Nagercoil.
(Cr.No.55 of 2021)

... Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records and set aside the order passed in Crl.M.P.No.3546 of 2021, dated 18.08.2021 on the file of the Principal Session Judge, Kanyakumari District at Nagercoil.

For Petitioner : Mr.N.S.Ramakrishna Dass
For Respondent : Mr.RMS.Sethuraman
Additional Public Prosecutor

O R D E R

This petition has been filed to set aside the order passed by the learned Principal Sessions Judge, Kanyakumari District at Nagercoil in the order passed in Crl.M.P.No.3546 of 2021, dated 18.08.2021.

2.The petitioner claims to be the owner of the TATA Tipper bearing Registration No.TN-75-W-7065. The respondent police intercepted the vehicle of the petitioner and seized the same on the ground that it was used for carrying illegal Jalli stones without any valid permit and registered a case in Crime No.55 of 2021 under Section 379 IPC. Subsequently, the petitioner has approached the learned Principal Sessions Judge, Kanyakumari District at Nagercoil, by way of filing a petition in Crl.M.P.No.3546 of 2021 for release of the vehicle and the learned judge has allowed the petition filed by the petitioner by its order dated 18.08.2021, by imposing onerous conditions. Challenging the conditions imposed by the trial Court, the petitioner is before this Court with this criminal revision.

3.The learned counsel appearing for the petitioner submitted that the learned Principal Sessions Judge, Kanyakumari District at Nagercoil, by imposing the 1st condition to the effect that the petitioner should execute a bond for a sum of Rs.8,00,000/- (Rupees Eight lakhs only) with two solvent sureties (solvency certificate to be obtained from the concerned Tahsildar) each for a like sum to the



satisfaction of the learned Judicial Magistrate No.I, Kuzhithurai. Hence, he prayed to modify the 1st condition imposed by the trial Court and he has also filed an affidavit to that effect.

4.Mr.RMS.Sethuraman, learned Additional Public Prosecutor appearing for the respondent.

5.Heard the learned counsel appearing on either side and perused the materials available on record.

6.The only grievance of the petitioner is that the 1st condition imposed by the learned Principal Sessions Judge, Kanyakumari District at Nagercoil is onerous.

7.In view of that, this Criminal Revision Case is allowed. The order of the learned Principal Sessions Judge, Kanyakumari District at Nagercoil, made in Crl.M.P.No.3546 of 2021, dated 18.08.2021 is modified in respect of the condition No.1 alone and it is modified to the effect that the petitioner shall pay a sum of Rs.30,000/- (Rupees Thirty thousand only) as costs, to the credit of the Chief Justice Relief Fund (payable in Accounts Section of the High Court Registry) within a period of two weeks from the date of receipt of a copy of this order, failing which this petition shall stand dismissed automatically without further reference to this Court and the order of the learned Principal Sessions Judge, Kanyakumari District at Nagercoil will be restored. In respect of other conditions, the order of the learned Principal Sessions Judge, Kanyakumari District at Nagercoil, shall remain unaltered.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

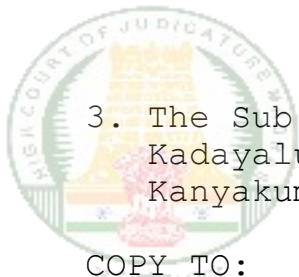
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Sub Assistant Registrar(CS)

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,
Kanyakumari District at Nagercoil.
2. The judicial magistrate No.I,
Kuzhithurai, kanyakumari district.



3. The Sub Inspector of Police,
Kadayalumoodu Police Station,
Kanyakumari District at Nagercoil.

COPY TO:

The Section Officer,
Accounts section,
Madurai bench of madras high court,
Madurai.

CrI.R.C (MD) No.630 of 2021
20.09.2021

SS/01.10.2021 : 2P/5C