



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.09.2021

CORAM

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

Crl.R.C(MD)No.636 of 2021

Sujitha

... Petitioner

Vs.

The Inspector of Police,
Kollemcode Police Station,
Kanyakumari District at Nagercoil.
(Cr.No.197 of 2021)

... Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to allow this Criminal Revision Petition and call for records relating to order passed by the Principal Sessions Judge, Kanyakumari District at Nagercoil in Crl.M.P.No.3294 of 2021 in Cr.No.197 of 2021, dated 03.08.2021 and set aside the same.

For Petitioner : Mr.N.Dilip Kumar

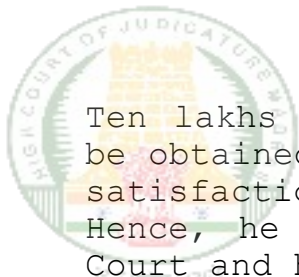
For Respondent : Mr.RMS.Sethuraman
Counsel for State Government
(Crl.side)

O R D E R

This petition has been filed to set aside the order passed by the learned Principal Sessions Judge, Kanyakumari District at Nagercoil in the order passed in Crl.M.P.No.3294 of 2021, dated 03.08.2021.

2.The petitioner claims to be the owner of the Tipper Tempo bearing Registration No.TN-75-AP-0912. 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.197 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.3294 of 2021 for release of the vehicle and the learned judge has allowed the petition filed by the petitioner by its order dated 03.08.2021, 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.10,00,000/- (Rupees



Ten 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.II, Kuzhithurai. Hence, he prayed to modify the 1st condition imposed by the trial Court and he has also filed a memo to that effect.

WEB COPY

4.Mr.RMS.Sethuraman, learned counsel for State Government (Crl.side) 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 is allowed. The order of the learned Principal Sessions Judge, Kanyakumari District at Nagercoil, made in Crl.M.P.No.3294 of 2021, dated 03.08.2021 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.50,000/- (Rupees Fifty 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 (CS-I)

// 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,
Kanyakumari District at Nagercoil.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Inspector of Police,
Kollemcode Police Station,
Kanyakumari District at Nagercoil.

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

Copy to

The Section Officer,
Accounts Section,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-28987[F] dated 14/09/2021)

Cr1.R.C (MD) No. 636 of 2021
14.09.2021

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