



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.09.2021

CORAM

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

Crl.R.C(MD)No.646 of 2021

Anandhan

... Petitioner/Petitioner

Vs.

State through
The Inspector of Police,
Devakottai Taluk Police Station,
Sivagangai District.
(Cr.No.234 of 2021)

... Respondent/Respondent

Prayer : This Criminal Revision is filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to the order passed by the Principal Sessions Judge, Sivagangai in Crl.M.P.No.2824 of 2021, dated 02.09.2021 and set aside the 1st and 2nd conditions imposed against this petitioner by allowing this revision petition.

For Petitioner : Mr.S.Muniyandi

For Respondent : Mr.RMS.Sethuraman
Additional Public Prosecutor

O R D E R

This petition has been filed to modify the ''condition Nos.1 and 2'' imposed by the learned Principal Sessions Judge, Sivagangai in the order passed in Crl.M.P.No.2824 of 2021, dated 02.09.2021.

2.The petitioner claims to be the owner of the Tipper Lorry bearing Registration No.TN-45-AJ-7119. According to the petitioner, on 04.08.2021 the alleged vehicle was seized by the Village Administrative Officer on the ground that it was used for carrying illegal sand without any valid permit and the respondent police registered the case in Crime No.234 of 2021 for the offence under Sections 379, 511 IPC r/w 21(4) of Mines and Minerals (Development & Regulation) Act, 1957. Subsequently, the petitioner has approached the learned Principal Sessions Judge, Sivagangai, by way of filing a petition in Crl.M.P.No.2824 of 2021 for release of the vehicle and the learned judge has allowed the petition filed by the petitioner by its order dated 02.09.2021, by imposing the 1st condition to the effect that the petitioner should deposit the original Registration



Certificate of the vehicle and the 2nd condition to the effect that the petitioner should deposit a sum of Rs.1,00,000/- before the trial Court in Crl.M.P.No.2824 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 1st and 2nd conditions imposed by the learned Principal Sessions Judge, Sivagangai are onerous.

5.In view of that, this Criminal Revision Case is allowed. The order of the learned Principal Sessions Judge, Sivagangai, made in Crl.M.P.No.2824 of 2021, dated 02.09.2021 is modified in respect of the 1st and 2nd conditions are alone and in the 1st condition is modified to the effect that the petitioner is directed to produce the attested copy of the original Registration Certificate of the vehicle obtained from the financier and in the 2nd condition 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, Sivagangai will be restored. In respect of other conditions, the order of the learned Principal Sessions Judge, Sivagangai, 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,
Sivagangai.

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



2.The Inspector of Police,
Devakottai Taluk Police Station,
Sivagangai District.

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.

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