



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.09.2021

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

Crl.R.C(MD)No.645 of 2021

Kaviyarasan

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Musiri Police Station,
Trichy District.
(Cr.No.296 of 2019)

...Respondent

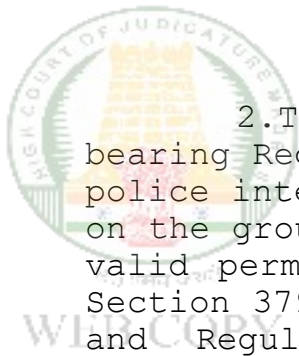
Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records relating to the order, dated 27.07.2020 in Crl.M.P.No.2598 of 2020 on the file of the Principal Sessions Judge, Tiruchirappalli and set aside the same insofar as the condition Nos.1 & 2:- '1.that the petitioner shall deposit a sum of Rs.75,000/- (Rupees Seventy Five thousand only) before the District Mineral Foundation Trust, Tiruchirappalli as non-refundable deposit.2.the vehicle is ordered to be released on interim custody immediately on production of deposit receipt, original Registration Certificate of the vehicle and on executing his own bond for a sum of Rs.20,000/- before the Inspector of Police, Musiri Police Station, Tiruchirappalli and the Inspector of Police is directed to take necessary photographs of the concerned vehicle and to hand over the said photographs of the vehicle along with CD and original Registration Certificate of the vehicle to the concerned jurisdictional Magistrate Court, after resumption of regular Courts'' and consequently direct the Judicial Magistrate Court, Musiri, Trichy District to return the vehicle bearing Reg.No.TN-28-AF-0522 to the petitioner herein.

For Petitioner : Mr.M.Suresh

For Respondent : Mr.RMS.Sethuraman
Additional Public Prosecutor

ORDER

This petition has been filed to modify the condition Nos.1 and 2 imposed by the learned Principal Sessions Judge, Tiruchirappalli in the order passed in Cr.M.P.No.2598 of 2020, dated 27.07.2020.



2.The petitioner claims to be the owner of the Taurus Lorry bearing Registration No.TN-28-AF-0522. On 21.09.2019, 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.296 of 2019 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 Sessions Judge, Tiruchirappalli, by way of filing a petition in Cr.M.P.No.2598 of 2020 for release of the vehicle and the learned judge has allowed the petition filed by the petitioner by its order dated 27.07.2020 by imposing the 1st condition to the effect that the petitioner should deposit a sum of Rs.75,000/- (Rupees Seventy Five thousand only) before the District Mineral Foundation Trust, Tiruchirappalli as non-refundable deposit and the 2nd condition to the effect that the vehicle is ordered to be released on interim custody immediately on production of deposit receipt, original Registration Certificate of the vehicle and on executing his own bond for a sum of Rs.20,000/- before the Inspector of Police, Musiri Police Station, Tiruchirappalli and the Inspector of Police is directed to take necessary photographs of the concerned vehicle and to hand over the said photographs of the vehicle along with CD and original Registration Certificate of the vehicle to the concerned jurisdictional Magistrate Court, after resumption of regular Courts. Challenging the conditions imposed by the trial Court, the petitioner is before this Court with this criminal revision.

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

5.The only grievance of the petitioner is that the 1st and 2nd conditions imposed by the learned Principal Sessions Judge, Tiruchirappalli are onerous.

6.In view of that, this Criminal Revision Case is allowed. The order of the learned Principal Sessions Judge, Tiruchirappalli, made in Cr.M.P.No.2598 of 2020, dated 27.07.2020 is modified in respect of the condition Nos.1 and 2 are alone and in the 1st condition is modified to the effect that the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty thousand only) before the District Mineral Foundation Trust, Tiruchirappalli as non-refundable deposit and in the 2nd condition is modified to the effect that the vehicle is ordered to be released on interim custody immediately on production of deposit receipt, attested copy of the original Registration Certificate of the vehicle obtained from the financier and on executing his own bond for a sum of Rs.20,000/- before the Inspector of Police, Musiri Police Station, Tiruchirappalli and the Inspector of Police is directed to take necessary photographs of the concerned vehicle and to hand over the said photographs of the vehicle along with CD and attested copy of the original Registration Certificate of the vehicle obtained from



the financier to the concerned jurisdictional Magistrate Court, after resumption of regular Courts. In respect of other conditions, the order of the learned Principal Sessions Judge, Tiruchirappalli, shall remain unaltered.

Sd/-

Assistant Registrar (CS-III)

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/ /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,
Tiruchirappalli.
- 2.The Judicial Magistrate, Musiri,
Trichy.
- 3.The Inspector of Police,
Musiri Police Station,
Trichy District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to

The District Mineral Foundation Trust, Trichy.

Cr1.R.C(MD)No.645 of 2021
17.09.2021

RK (24.09.2021) 3P 6C