



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2021

CORAM

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

Crl.R.C(MD)No.659 of 2021

Kirubakaran

... Petitioner/Petitioner-Owner of the Vehicle

Vs.

State Rep. by
The Inspector of Police,
Vangal Police Station,
Karur District.
(Cr.No.324 of 2020)

... Respondent/Respondent

Prayer: This Criminal Revision is filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records of the Sessions Judge, Karur in Cr.M.P.No.1105 of 2020, dated 24.08.2020 and set aside the portion of condition with regard to deposit of Rs.1,50,000/- in Crime No.324 of 2020 on the file of respondent police and surrender of original RC Book and permit the petitioner to produce Xerox copy of the original RC Book relating to its vehicle bearing Registration No.TN-28-AF-9556 [ASHOK LEYLAND LORRY].

For Petitioner : Mr.M.Viji

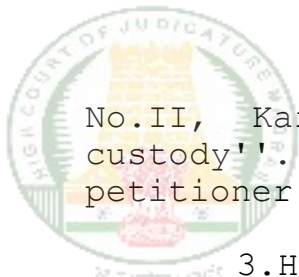
For Respondent : Mr.RMS.Sethuraman

Additional Public Prosecutor

O R D E R

This petition has been filed to modify the 'condition No.1' imposed by the learned Sessions Judge, Karur in the order passed in Crl.M.P.No.1105 of 2020, dated 24.08.2020.

2.The petitioner claims to be the owner of the Ashok Leyland Lorry bearing Registration No.TN-28-AF-9556. According to the petitioner, on 09.07.2020 the alleged vehicle was seized by the respondent police on the ground that it was used for carrying illegal sand without any valid permit and registered the case in Crime No.324 of 2020 for the offence under Sections 379 IPC r/w 21 (1) of Mines and Minerals (Development & Regulation) Act, 1957. Subsequently, the petitioner has approached the learned Sessions Judge, Karur, by way of filing a petition in Crl.M.P.No.1105 of 2020 for release of the vehicle and the learned judge has allowed the petition filed by the petitioner by its order dated 24.08.2020, by imposing the 1st condition to the effect that 'the petitioner was directed to surrender the original R.C.Book and also to deposit a sum of Rs.1,50,000/- before the trial Court in Crime No.324 of 2020 of Vangal Police Station and compliance of the condition, the above vehicle which was remanded in R.P.50/2020 of Judicial Magistrate



No.II, Karur shall be returned to the petitioner on interim custody''. Challenging the condition 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 condition imposed by the learned Sessions Judge, Karur is onerous.

5.In view of that, this Criminal Revision Case is allowed. The order of the learned Sessions Judge, Karur, made in Crl.M.P.No.1105 of 2020, dated 24.08.2020 is modified in respect of the 1st condition is alone and in the 1st condition is modified to the effect that ''the petitioner is directed to produce the attested copy of the R.C.Book obtained from the financier and also to deposit a sum of Rs.50,000/- (Rupees Fifty thousand only) before the trial Court in Crime No.324 of 2020 of Vangal Police Station and compliance of the condition, the above vehicle which was remanded in R.P.50/2020 of Judicial Magistrate No.II, Karur shall be returned to the petitioner on interim custody''. In respect of other conditions, the order of the learned Sessions Judge, Karur, shall remain unaltered.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

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 Sessions Judge,
Karur.

2.The Judicial Magistrate No.II,
Karur.

3.The Inspector of Police,
Vangal Police Station,
Karur District.



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

+1 CC to M/s.S.DEENADHAYALAN, Advocate (SR-30228[F] dated
24/09/2021)

Cr1.R.C (MD) No.659 of 2021
22.09.2021

RS (01.10.2021) 3P 6C