



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Cr1.R.C(MD)No.678 of 2021

I.Thamas Sebastiyar

... Petitioner/Accused

Vs.

State Rep. by
The Inspector of Police,
Manapparai Police Station,
Trichy District.

(Crime No.852 of 2021)

...Respondent/Complainant

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 passed by the Principal District and Sessions Judge, Trichy in Cr.M.P.No.3099 of 2021, dated 18.08.2021 and set aside the order in respect of condition Nos.2 & 6 imposed by the Principal District Sessions Judge, Trichy and allow this revision petition.

For Petitioner : Mr.A.Azhageson
For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor

O R D E R

This petition has been filed to modify the condition Nos.2 and 6 imposed by the learned Principal District and Sessions Judge, Tiruchirappalli in the order passed in Cr.M.P.No.3099 of 2021, dated 18.08.2021.

2.The petitioner claims to be the owner of the JCB (Earth Moving Machine) bearing Registration No.TN-46-J-9373. On 04.07.2021, 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.852 of 2021 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 District and Sessions Judge, Tiruchirappalli, by way of filing a petition in Cr.M.P.No.3099 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 the 2nd condition to the effect that the petitioner should execute a bond for a sum of Rs.15,00,000/- with two sureties for a like sum each to the satisfaction of the Judicial Magistrate, Manapparai and the 6th condition to the effect that the petitioner should produce all the documents of ownership and surrender the original R.C.Book before the concerned Judicial



Magistrate. Challenging the said 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 2nd and 6th conditions imposed by the learned Principal District and Sessions Judge, Tiruchirappalli, are onerous.

5.In view of that, this Criminal Revision Case is allowed. The order of the learned Principal District and Sessions Judge, Tiruchirappalli, made in Cr.M.P.No.3099 of 2021, dated 18.08.2021 is modified in respect of the 2nd and 6th conditions are alone and the 2nd condition is modified to the effect that the petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees One lakh only) with two sureties for a like sum each to the satisfaction of the Judicial Magistrate, Manapparai and the 6th 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 before the concerned Judicial Magistrate. In respect of other conditions, the order of the learned Principal District and Sessions Judge, Tiruchirappalli, shall remain unaltered.

Sd/-

Assistant Registrar (Records)

// 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 District and Sessions Judge,
Tiruchirappalli.

2.The Judicial Magistrate, Manapparai,
Trichy District.



3.Do-Through The Chief Judicial Magistrate,
Tiruchirappalli.

4.The Inspector of Police,
Manapparai Police Station,
Trichy District.

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

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GC (04.10.2021) 3P 6C