



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.09.2021

CORAM:

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THE HONOURABLE MR.JUSTICE **R.PONGIAPPAN**

Crl.R.C. (MD)No.692 of 2021

Indramoorthy

... Petitioner/Petitioner cum
owner of the property

Vs.

The State Represented by
The Inspector of Police,
K.Paramathi Police Station,
Karur District.
(in Crime No.453 of 2020)

...Respondent/Respondent
Cum Complainant

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the order made in Crl.M.P.No.755 of 2021 on the file of the learned Sessions Judge, Karur, dated 20.07.2021 in respect of condition No.1, consequently delete the condition No.1 to deposit the sum of Rs.1,00,000/-.

For Petitioner : Mr.S.Gokulraj
For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

O R D E R

This petition has been filed to set aside the condition No.1 imposed by the learned Sessions Judge, Karur, in the order passed in Cr.M.P.No.755 of 2021, dated 20.07.2021.

2.The petitioner claims to be the owner of the Tipper Lorry bearing Registration No.TN-27-J-5594. The respondent police intercepted the vehicle of the petitioner and seized the same on the ground that it was used for carrying illegal river sand, without any valid permit and registered a case in Crime No. 453 of 2020. Subsequently, the petitioner has approached the learned Sessions Judge, Karur, by way of filing a petition in Cr.M.P.No.755 of 2021 for release of the vehicle and the learned Sessions Judge has allowed the petition filed by the petitioner by its order dated 20.07.2021, by imposing 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.1,00,000/- before the Court in Crime No.453 of 2020 of K.Paramathi Police Station and compliance of the condition, the above vehicle which was remanded in R.P.05/2021 of



District Munsif-cum-Judicial Magistrate, Aravakurichi, shall be returned to the petitioner on interim custody. Challenging the said condition imposed by the Court below, 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 1st condition imposed by the learned Sessions Judge, Karur, is onerous.

5.Considering the grievance addressed by the learned counsel appearing on behalf of the petitioner with the relevant records, it would appear that the petitioner is a first offender. Further, the case is under investigation. Hence, in view of that, this Criminal Revision Case is partly allowed. The order of the learned Sessions Judge, Karur, made in Cr.M.P.No.755 of 2021, dated 20.07.2021 is modified in respect of the condition No.1 alone and it is modified to the effect that the petitioner is directed to surrender the original R.C.Book and also to deposit a sum of Rs.60,000/- before the Court below in Crime No.453 of 2020 of K.Paramathi Police Station and compliance of the condition, the above vehicle which was remanded in R.P.05/2021 of District Munsif-cum-Judicial Magistrate, Aravakurichi 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)

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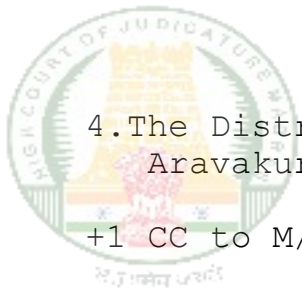
/ /2021

Sub Assistant Registrar(CS)

cp

To:-

- 1.The Sessions Judge,
Karur.
- 2.The Inspector of Police,
K.Paramathi Police Station,
Karur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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4.The District Munsif cum Judicial Magistrate,
Aravakurichi.

+1 CC to M/s.S.GOKULRAJ, Advocate (SR-30556[F] dated 28/09/2021)

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PS (CO)

KB(08.10.2021) 3P 6C