



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE **R.PONGIAPPAN**
Crl.R.C. (MD)No.694 of 2021

Shanthi

... 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.375/2021)

...Respondent / Respondent cum
Complainant

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records and to set aside the order made in Crl.M.P.No.1337 of 2021 on the file of the Sessions Judge, Karur, dated 21.09.2021 in respect of condition No.1, consequently delete the condition No.1 to deposit the sum of Rs.1,50,000/- to the credit of Crime No.375 of 2021 on the file of the respondent police and surrender the original RC Book and permit the petitioner to surrender attested copy of the RC Book.

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 Crl.M.P.No.1337 of 2021, dated 21.09.2021.

2.The petitioner claims to be the owner of the Tipper Lorry bearing Registration No.TN-57-AK-5502. 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. 375 of 2021. Subsequently, the petitioner has approached the learned Sessions Judge, Karur, by way of filing a petition in Crl.M.P.No.1337 of 2021 for release of the vehicle and the learned Sessions Judge has allowed the petition filed by the petitioner by its order dated 21.09.2021, 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.1,50,000/- before the Court in Crime No.375 of 2021 of K.Paramathi Police Station and compliance of the condition, the above vehicle which was remanded in R.P.147/2021 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 Crl.M.P.No.1337 of 2021, dated 21.09.2021 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.1,00,000/- before the Court of the Sessions Judge, Karur, in Crime No.375 of 2021 of K.Paramathi Police Station and compliance of the condition, the above vehicle which was remanded in R.P.147/2021 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 (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cp

To:-

- 1.The Sessions Judge, Karur.
- 2.The District Munsif-cum-Judicial Magistrate,
Aravakurichi.
- 3.The Inspector of Police,
K.Paramathi Police Station,
Karur District.



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

+1 CC to M/s.S.GOKULRAJ, Advocate (SR-30557[F] dated 28/09/2021)

Crl.R.C. (MD) No. 694 of 2021

28.09.2021

RD(8.10.2021) 3P 6C