



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **06.10.2021**

CORAM:

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

Crl.R.C. (MD)No.720 of 2021

WEB COPY

Susila

... Petitioner/Petitioner-cum-
owner of the property

Vs.

The State Represented by
The Sub-Inspector of Police,
Thanthoonimalai Police Station,
Karur District.
(In Cr.No.498/2021).

...Respondent

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.1246 of 2021, on the file of the learned Sessions Judge, Karur, dated 08.09.2021 in respect of condition No.1, consequently delete the condition No.1 to deposit the sum of Rs.1,50,000/- and hand over the interim custody of the vehicle bearing Registration No.TN-28-AB-1559 belongs to the petitioner.

For Petitioner : Mr.S.Gokulraj
For Respondent : Mr.M.Muthumanikkam
Government Advocate

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.1246 of 2021, dated 08.09.2021.

2.The petitioner claims to be the owner of the Tipper Lorry bearing Registration No.TN-28-AB-1559. The respondent police intercepted the vehicle of the petitioner and seized the same on the ground that it was used for carrying illegal gravel soil, without any valid permit and registered a case in Crime No.498 of 2021. Subsequently, the petitioner has approached the learned Sessions Judge, Karur, by way of filing a petition in Cr.M.P.No.1246 of 2021 for release of the vehicle and the learned Sessions Judge has allowed the petition filed by the petitioner by its order dated 08.09.2021, 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.498 of 2021 of Thanthonimalai Police Station and compliance of the condition, the above vehicle which was remanded in R.P.248/2021 of Judicial Magistrate No.I, Karur, 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.1246 of 2021, dated 08.09.2021 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.60,000/- before the Court below in Crime No.498 of 2021 of Thanthonimalai Police Station and compliance of the condition, the above vehicle which was remanded in R.P.248/2021 of Judicial Magistrate No.I, 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 (AE)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

am

To:-

- 1.The Sessions Judge,
Karur.
- 2.The Judicial Magistrate No.1
Karur.
- 3.The Sub-Inspector of Police,
Thanthoonimalai Police Station,
Karur District.

<https://hcservices.scdm.gov.in/hcservices>



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

+1 CC to M/s.S.GOKUL RAJ, Advocate (SR-31431[F] dated
06/10/2021)

Crl.R.C. (MD) No.720 of 2021
06.10.2021

RK (18/10/2021) 3P 6C