



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.10.2021

CORAM:

THE HON'BLE MR JUSTICE R. PONGIAPPAN

Crl.RC(MD)No.730 of 2021

WEB COPY

Karuppaiah

: Petitioner/Petitioner

Vs.

State rep. by
The Inspector of Police,
Aranthangi Police Station,
Pudukottai District.
(Crime No.1037 of 2021)

: Respondent/Respondent

Prayer: Criminal Revision filed under section 397 and 401 of the Criminal Procedure Code to call for the records pertaining to the order passed by the Principal District and Sessions Court, Pudukottai, in Crl.M.P No.3838 of 2021, dated 23.09.2021 and set aside the condition in so far directing the petitioner to deposit a sum of Rs.20,000/- as cash security.

For Petitioner : Mr.T.Lenin Kumar

For Respondent : Mr.M.Muthumanikkam

Counsel for Government of
Tamil Nadu (Criminal side)

O R D E R

This Criminal Revision has been filed to modified the order, dated 23.09.2021 passed in Crl.MP No.3838 of 2021 by the Principal District and Sessions Judge, Pudukottai, in so far as the condition to deposit a sum of Rs.10,000/- as cash security.

2.The petitioner claims to be the owner of the Bullock Cart. On 19.09.2021, the respondent police seized the Bullock Cart on the ground that it was used for committing the offence of transporting illegal sand and registered a case in Crime No.1037 of 2021 under section 379 IPC r/w 21(1) and 21(2) of Mines and Minerals (Development and Regulations) Act, 1957. Seeking return of the said Bullock, Cart, the petitioner has approached the learned Principal District and Sessions Judge, Pudukkottai, by way of filing a petition in Cr.M.P No.3838 of 2021 for release of the Bullock Cart. The learned Judge has allowed the petition filed by the petitioner, by its order, dated 23.09.2021, by imposing certain conditions. One of the conditions is that the petitioner undertook to remit a sum of Rs.10,000/- (Rupees Ten Thousand only) as non refundable amount to the account of the Tamil Nadu Chief Minister's Relief Fund. To modify the said condition, the petitioner is before this court by way of filing this criminal



revision.

3. Heard Mr.T.Lenin Kumar, the learned counsel appearing for the petitioner and Mr.M.Muthumanikkam, counsel for Government of Tamil Nadu (Criminal Side).

4.The only grievance of the petitioner is that the 1st condition imposed by the trial court is onerous.

5.Perusal of the impugned order shows that after giving an undertaking before the trial court for depositing a sum of Rs.10,000/- as one of the conditions, the petitioner has obtained the impugned order. But without complying the said conditional order, the petitioner has preferred this criminal revision, which according to this court is not at all maintainable.

6.In view of the above fact, this criminal revision fails and the same is dismissed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

er

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 Court,
Pudukottai.

2.The Inspector of Police,
Aranthangi Police Station,
Pudukottai District.

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

Cr1.RC(MD)No.730 of 2021
20.10.2021