



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 03.12.2021

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. RC(MD)No.891 of 2021

WEB COPY

P.Subbaiah

.. Petitioner/Petitioner

Vs.

The State through
The Inspector of Police,
Watrap Police Station,
Virudhunagar District.
Crime No.312/2019

.. Respondent/Respondent

Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the records relating to the order passed by the Principal District and Sessions Court, Virudhunagar District at Srivilliputhur in Crl.MP.No.143/2020 dated 20.01.2021 to set aside the condition nos.1 and 2.

For Petitioner

: Mr.J.Sulthan Basha

For Respondent

: Mrs.M.Asha

Government Advocate

ORDER

This petition has been filed to set aside the order passed in Crl.MP.No.143/2020 dated 20.01.2021, on the file of the Principal District and Sessions Court, Virudhunagar District at Srivilliputhur, in respect of condition nos.1 and 2 alone.

2.A tractor bearing Registration No.TN 67 Y 8502 and trailer bearing Registration No.TN 6767 Y 8503 were seized by the respondent police in Crime No.312/2019 for the offence punishable under Section 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act. Thereafter, the petitioner claiming himself as the owner of the vehicle, has approached the Principal District and Sessions Court, Virudhunagar District at Srivilliputhur, by filing a petition for release of the vehicle and the learned Judge allowed the petition in Crl.M.P.No.143/2020 on 20.01.2021, by imposing certain conditions. Challenging the condition nos.1 and 2, the petitioner is before this Court with this revision case.

3.On the side of the petitioner, it is stated that the condition nos.1 and 2 are onerous. The petitioner is not in a position to mobilise Rs.50,000/- cash deposit and he is also not in a position to produce sureties for a sum of Rs.2,00,000/- and prayed for the conditions to be set aside.



4. On the side of the respondent, it is stated that there are totally four accused in this case and the vehicle is not in the name of the petitioner. The vehicle is in the name of Sivakaminathan. The said Sivakaminathan was not impleaded as a respondent in this case. The petitioner is having seven previous cases. Out of the seven cases, two cases are of similar nature and prayed for the petition to be dismissed.

5. It is seen that the tractor and trailer are not in the name of the petitioner. The petitioner has not impleaded the owner mentioned in the RC book as a respondent in the petition. In the above circumstances, the order passed by the Trial Court is set aside and the petitioner is at liberty to file a fresh petition before the Trial Court after impleading the owner mentioned in the RC book as a respondent. Accordingly this Criminal Revision Case is disposed of.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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,
Virudhunagar District at Srivilliputhur
2. The Inspector of Police,
Watrap Police Station,
Virudhunagar District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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