



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.11.2021

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.770 of 2021

WEB COPY

Rasu Selvam @ Selvam Rasu

.. Petitioner

Vs.

State rep. by
The Inspector of Police,
Civil Supply C.I.D.,
Virudhunagar,
Virudhunagar District.
(Crime No.41 of 2021)

.. Respondent

Prayer : This Revision Case is filed under Section 397 and 401 of Cr.P.C., to call for the entire records relating to the order of the Judicial Magistrate No.I, Virudhunagar, dated 20.07.2021, in Cr.M.P.No.2713 of 2021, in Crime No. 41 of 2021 and to set aside the condition No.1 of depositing the sum of Rs.1,00,000/- to the Court by allowing the present Criminal Revision Petition.

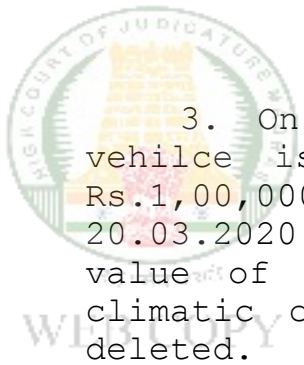
For Petitioner : Mr.S.Ramasamy

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

This Revision is filed to call for the entire records relating to the order of the Judicial Magistrate No.I, Virudhunagar, dated 20.07.2021, in Cr.M.P.No.2713 of 2021, in Crime No. 41 of 2021 and to set aside the condition No.1, namely, depositing a sum of Rs.1,00,000/- in the Court.

2. A vehicle, viz., TATA ACE mini Van, bearing Registration No.TN-67-BL-2110 was seized by the respondent police, in Crime No.41 of 2021, under Section 6(4) of TNSC (RDSCS) Order, 1982 r/w. Section 7(1)(a) (ii) of EC Act. The petitioner claiming himself as the owner of the vehicle filed a petition in Crl.M.P.No.2713 of 2021 before the Judicial Magistrate No.I, Virudhunagar, for temporary return of the vehicle. That petition was allowed by the Judicial Magistrate No.I, Virudhunagar, on 20.07.2021, with certain conditions. The petitioner has preferred this Revision against the condition No.1.



3. On the side of the petitioner, it is stated that the vehicle is an old Van and imposing condition to deposit of Rs.1,00,000/- is not reasonable. It is further stated that from 20.03.2020 onwards the vehicle is kept in the open place and the value of the vehicle will be deteriorated day by day due to climatic conditions and hence, prayed the condition No.1 to be deleted.

4. On the side of the prosecution, it is stated that to ensure the production of the vehicle at the time of trial and at the time of confiscation, the condition was imposed by the trial Court and the condition imposed by the trial Court is reasonable and prayed the petition to be dismissed.

5. A perusal of the R.C. book of the vehicle reveals that the vehicle was registered on 28.12.2020 and the vehicle is not an old vehicle. To ensure the production of the vehicle on the date of hearing and at the time of confiscation, the deposit is necessary. There is nothing sufficient enough to interfere in the orders of the trial Court. Hence, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar (CS-II)

// 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 Judicial Magistrate No.I,
Virudhunagar,

2.The Inspector of Police,
Civil Supply C.I.D.,
Virudhunagar, Virudhunagar District.

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

Crl. R.C.(MD)No.770 of 2021

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