



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.11.2021

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WEB COPY

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.811 of 2021

Ruban Daniel

... Petitioner/Petitioner/
Owner of the Vehicle

Vs.

State rep. by
The Inspector of Police,
Kallal Police Station,
Sivagangai District.
(Crime No.170 of 2021)

... Respondents

Prayer : This Revision Case is filed under Sections 397 and 401 of Cr.P.C., to call for the records pertaining to the order, passed in Cr.M.P.No.3604 of 2021, dated 08.10.2021, on the file of the Principal Sessions Judge, Sivagangai and to set aside the onerous condition and to modify the same.

For Petitioner

: Mr.S.Vimalraj

For Respondent

: Mr.K.Sanjay Gandhi
Government Advocate

ORDER

This Criminal Revision has been filed to set aside the order, passed in Cr.M.P.No.3604 of 2021, dated 08.10.2021, on the file of the Principal Sessions Judge, Sivagangai

2.A vehicle, viz., Tipper Lorry bearing Registration No.TN-46-F-8593 was seized by the respondent police in Crime No.170 of 2021. The petitioner claiming himself as the owner of the vehicle filed a petition before the Principal Sessions Judge, Sivagangai, in Cr.M.P.No.3604 of 2021, for the temporary release of the vehicle. The Sessions Judge has allowed the petition on certain conditions. The petitioner has preferred this Revision against the condition No. (2), ie. for cash deposit of Rs.1,00,000/-.

3.On the side of the petitioner, it is stated that the petitioner transported sand from his own land to his house and the petitioner is a poor person, he could not mobilize the fund and prayed the condition No.2 to be set aside.

4.On the side of the respondent, it is stated that the petitioner is having six previous cases and four of the cases are similar in nature. If the vehicle / Tipper lorry is returned to the



petitioner, there is a possibility for the lorry to be used for commission of similar offence again and prayed the petition to be dismissed.

5.It is seen that the vehicle was ordered to be returned to the petitioner for interim custody. The lower Court has ordered to deposit a sum of Rs.1,00,000/- as a condition for return of the vehicle. To ensure the production of the vehicle at the time of trial and at the time of confiscation, the condition imposed by the lower Court is reasonable.

6. Considering the antecedents of the petitioner and considering the above fact, this Court is not inclined to allow the petition. Hence, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Ls

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 Sessions Judge,
Sivagangai.
- 2.The Inspector of Police,
Kallal Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S. VIMALRAJ, Advocate (SR-34638[F] dated 16/11/2021)
Crl. R.C.(MD)No.811 of 2021
12.11.2021

MGJ(26.11.2021) 2P 5C