



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 25.11.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.864 of 2021

WEB COPY

Murugan

.. Petitioner

Vs.

The State Represented by its,
The Inspector of Police,
Thiruvegampathur Police Station,
Sivagangai District.
(Crime No.181 of 2021)

.. Respondent

Prayer : This criminal revision case is filed under Sections 397 and 401 of Cr.P.C., to call for the records pertaining to the impugned order in Crl.M.P.No.3694 of 2021 dated 08.11.2021 on the file of the learned Principal Sessions Judge, Sivagangai and to modify the onerous conditional clauses (2) and (7).

For Petitioner : Mr.R.Shankar Ganesh
For Respondent : Mrs.K.Asha
Government Advocate

ORDER

This petition has been filed to set aside the order passed in Cr.M.P.No.3694 of 2021 dated 08.11.2021, on the file of the learned learned Principal Sessions Judge, Sivagangai, in respect of condition Nos.2 and 7 alone.

2.A tipper lorry bearing Registration No.TN-05-CJ-9921 was seized by the respondent police in Crime No.181 of 2021 under Section 379 of IPC and Section 21(4) of Mines and Minerals (Development and Regulation)Act. Subsequently, the petitioner claiming himself as the owner of the tipper lorry, has approached the learned Principal Sessions Judge, Sivagangai, by filing a petition for release of the vehicle and the learned Judge allowed the petition in Crl.M.P.No.3694 of 2021 dated 08.11.2021, by imposing the conditions to the effect that "(ii)the petitioner shall deposit a sum of Rs.1,00,000/- before this Court, in Crl.M.P.No.3694 of 2021 within a period of one week from the date of receipt of a copy of this order and (vii)the petitioner/owner of the vehicle shall not take the vehicle out side the district without the permission of the Court and the petitioner/owner of the vehicle should produce the vehicle when the court directs



him". Challenging the aforesaid conditions, the petitioner is before this Court with this revision case.

3.On the side of the petitioner, it is stated that the conditions imposed by the trial Court are onerous. The petitioner is a poor person and he is depending upon the vehicle for his livelihood and he could not mobilise the funds and prayed to set aside the conditions.

4.On the side of the respondent, it is stated that the condition nos.2 and 7 imposed by the trial Court are reasonable. There is possibility of the vehicle to be utilized for commission of similar offence again and prayed the petition to be dismissed.

5.To ensure the protection of the vehicle at the time of trial and at the time of confiscation proceedings, the condition no.2 imposed by the learned Principal Sessions Judge, Sivagangai is reasonable. There is no possibility of a lorry to get work within the district. Hence, this Court is inclined to modify the seventh condition to the effect that "the petitioner/owner of the vehicle is permitted to take the vehicle outside the district. However, the petitioner shall produce the vehicle before the Court and before the respondent as and when required".

6.With the above direction, this Criminal Revision Case is partly allowed. The order of the learned Principal Sessions Judge, Sivagangai, in Cr.M.P.No.3694 of 2021 dated 08.11.2021, is thereby modified. In respect of other conditions, the order of the learned Sessions Judge shall remain unaltered.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Mrn

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,
Thiruvegampathur Police Station,
Sivagangai District.

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

+1 CC to M/s.R.SHANKAR GANESH, Advocate (SR-36423[F] dated
29/11/2021)

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TSK(CO)
SB(03.12.2021) 3P 5C