



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 30.11.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.878 of 2021

WEB COPY

Jeyanthi

.. Petitioner/Petitioner/
Owner of the Vehicle

Vs.

State Rep by the,
Inspector of Police,
Ponnamaravathi Police Station,
Pudukkottai District.
(Crime No.274 of 2021)

.. Respondent/Respondent/
Complainant

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 dated 04.10.2021 made in Crl.M.P.No.4031 of 2021 on the file of the learned Principal Sessions Judge, Pudukkottai and to set aside the same.

For Petitioner	: Mr.K.G.Arun Kumar
For Respondent	: Mrs.K.Asha, Government Advocate

ORDER

This petition has been filed to set aside the order passed in Cr.M.P.No.4031 of 2021 dated 04.10.2021, on the file of the learned learned Principal Sessions Judge, Pudukkottai, in respect of first condition alone.

2.A tractor and trailer bearing Registration No.TN-55-BH-6179 was seized by the respondent police in Crime No.274 of 2021 under Section 379 of IPC r/w. Sections 21(1) and 21(2) of Mines and Minerals (Development and Regulation)Act. Subsequently, the petitioner claiming himself as the owner of the tractor and trailer, has approached the learned Principal Sessions Judge, Pudukkottai, by filing a petition for release of the vehicles and the learned Judge allowed the petition in Crl.M.P.No.4031 of 2021 dated 04.10.2021, by imposing the first condition to the effect that "(i)the petitioner undertakes to remit a sum of Rs.40,000/- (Rupees Forty Thousand only) as non refundable amount to the following account of the Hospital Maintenance fund - Government medical College hospital, Pudukkottai, State Bank of India, Ac. No.10909709432, Branch Code: 902, IFSC Code: SBIN0000902, CIF No.80731554225, Swift Code:IOBAINBB001". Challenging the aforesaid condition, the petitioner is before this Court with this revision case.

3.On the side of the petitioner, it is stated that the first condition imposed by the trial Court is to deposit a sum of

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Rs.40,000/- (Rupees Forty Thousand only) for hospital maintenance fund government medical college hospital, which is onerous and prayed to set aside the condition.

4.On the side of the respondent, it is stated that the first condition imposed by the trial Court is reasonable. The petitioner is an accused in the case. The petitioner is A1. The husband of the petitioner is A2. A2 drove the vehicle at the time of occurrence. The cost of the vehicle is more than Rs.7,00,000/- (Rupees Seven Lakhs only). The tractor and trailer were 2019 model. A2 is having three previous cases and prayed the petition to be dismissed.

5.This Court is inclined to modify the first condition to the effect that "the petitioner is directed to deposit a sum of Rs.40,000/- (Rupees Forty Thousand only) to the credit of Crime No.274 of 2021 on the file of the learned Principal District and Sessions Judge, Pudukkottai and the learned Principal District and Sessions Judge is at liberty to dispose of the amount after the disposal of the case."

6.With the above direction, this Criminal Revision Case is partly allowed. The order of the learned Principal Sessions Judge, Pudukkottai, in Cr.M.P.No.4031 of 2021 dated 04.10.2021, is thereby modified. In respect of other conditions, the order of the learned Sessions Judge shall remain unaltered.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

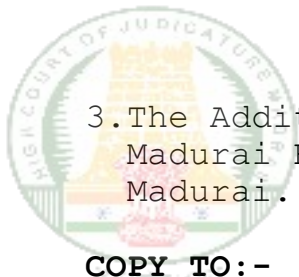
Mrn

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 District and Sessions Judge,
Pudukkottai.

2.The Inspector of Police,
Ponnamaravathi Police Station,
Pudukkottai District.



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

COPY TO:-

The Hospital Maintenance fund,
Government medical College hospital,
Pudukottai.

Crl. R.C.(MD)No.878 of 2021
30.11.2021

NSN(CO)
MGJ(08.12.2021) 3P 5C