



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 08.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl.R.C.(MD)No.874 of 2021

WEB COPY

Vijayan

... Petitioner/Petitioner

Vs.

The Sub Inspector of Police,
Marthandam Police Station,
Rep.by the Public Prosecutor,
Kanyakumari District,
Nagercoil.
(Crime No.576 of 2021).

... Respondent/Respondent

Prayer : Criminal Revision Case filed under Sections 397 r/w. Section 401 Cr.P.C., to call for the records in Crl.M.P.No.4170 of 2021 on the file of the Principal Sessions Court, Kanyakumari District at Nagercoil dated 29.09.2021 and to set aside the order as far as concerned the onerous condition No.(i) alone imposed and to modify the same.

For Petitioner
For Respondent

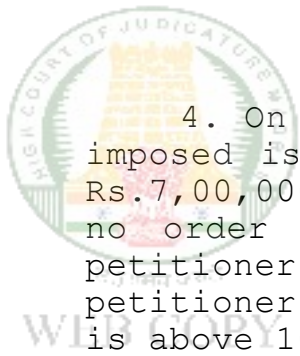
: Mr.S.C.Herold Singh
: Mrs.M.Aasha
Government Advocate

ORDER

This Criminal Revision has been filed to set aside the order passed in Crl.M.P.No.4170 of 2021 dated 29.09.2021 on the file of the Principal and Sessions Judge, Kanyakumari District at Nagercoil.

2. A vehicle viz., Tipper Tempo, bearing Registration No.TN-74-J-6050 was seized by the respondent police in Crime No.576 of 2021 under Section 379 IPC. The petitioner claiming himself as the owner of the vehicle, filed a petition in Crl.M.P.No. 4170 of 2021 before the Principal Sessions Judge, Kanyakumari. That petition was allowed with certain conditions. The petitioner has filed this petition against the condition No.1.

3. On the side of the petitioner, it is stated that the petitioner has not transported river sand, and only red soil was available in the vehicle. The vehicle is of the year 2005. The petitioner could not get solvency certificate for a sum of Rs.7,00,000/- (Rupees Seven Lakhs only) and prayed that the condition is to be set aside.



4. On the side of prosecution, it is stated that the condition imposed is that the petitioner shall execute a bond for a sum of Rs.7,00,000/- (Rupees Seven Lakhs only) with two solvent sureties, no order for cash deposit was made by the trial Court. The petitioner has transported red soil without permission. The petitioner is having four previous cases. The value of the vehicle is above 10 Lakhs and prayed that the petition is to be dismissed.

5. The vehicle stands in the name of the petitioner. The vehicle is of the year 2005. The first condition is hereby modified as follows:-

The petitioner shall execute a bond for a sum of Rs.2,00,000/-(Rupees Two Lakhs only) on behalf of the petitioner with two solvent sureties each for a like sum.

6. In respect of other conditions, the order of the Principal Sessions Judge shall remain unaltered. This Criminal Revision Case is partly allowed.

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 Sessions Judge,
Nagercoil, Kanyakumari District.
2. The Sub Inspector of Police,
Marthandam Police Station,
Kanyakumari District, Nagercoil.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-37871[F] dated 09/12/2021)

Crl.R.C. (MD)No.874 of 2021

08.12.2021

USK (30.12.2021) 2P 5C

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