



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl.R.C. (MD)No.879 of 2021

Usha

... Petitioner/Petitioner/
Owner of the property

Vs.

The State represented by
The Sub Inspector of Police,
Arumanai Police Station,
Kanyakumari District.
Crime No.350 of 2021

... Respondent/ Respondent/
Complainant

Prayer : Criminal Revision Case filed under Sections 397 r/w. Section 401 Cr.P.C., to call for the records and set aside the first condition imposed on the petitioner in Crl.M.P.No.3014 of 2021 dated 14.07.2021 on the file of the Principal Sessions Judge, Kanyakumari District at Nagercoil in Crime No.350 of 2021 on the file of the respondent.

For Petitioner
For Respondent

: Mr.S.Sivakumar
: Mrs.M.Aasha
Government Advocate.

ORDER

This Criminal Revision has been filed to set aside the order passed in Crl.M.P.No.3014 of 2021, dated 14.07.2021, on the file of the Principal Sessions Judge, Kanyakumari District at Nagercoil.

2. The vehicle viz., TATA Tipper Tempo bearing Registration No.TN-75-AJ-5626 was seized by the respondent police in Crime No.350 of 2021 under Section 379 IPC and Section 21(1) of MMDR Act. The petitioner claiming herself as the owner of the vehicle, filed a petition in Crl.M.P.No.3014 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 M-Sand was available in the vehicle. 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 M-sand without permission. The value of the vehicle is above 10 Lakhs and prayed that the petition is to be dismissed.

WEB COPY

5. The vehicle stands in the name of M/s.Ambadi Hollo Bricks. The petitioner had filed this petition in her individual capacity. The first condition is hereby modified as follows:-

The petitioner shall execute a bond for a sum of Rs.5,00,000/- (Rupees Five Lakhs only) on behalf of the M/s. Ambadi Hollo bricks 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-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

mga

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,
Arumanai Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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