



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.12.2021

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C. (MD)No.905 of 2021

G.Ramamoorthy

... Petitioner

Vs.

1.The State, through the Inspector of Police,
Kadaladi Police Station,
Ramanathapuram District.
(Crime No.170 of 2021)

2.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.

3.The Assistant Director,
Geology and Mining Department,
Collectorate Complex,
Ramanathapuram,
Ramanathapuram District.

4.The Tahsildar,
Taluk Office,
Kadaladi,
Ramanathapuram District.

... Respondents

Prayer : This Revision Case is filed under Sections 397 r/w. Section 401 of Cr.P.C., to set aside the impugned Condition No.3 made in the order dated 02.11.2021 in Cr.M.P.No.2294 of 2021 on the file of Learned Principal Sessions Judge, Ramanathapuram and consequently to direct the first respondent to return the petitioner's vehicle of Lorry bearing Registration No.TN 65AU 3555 to the petitioner forthwith.

For Petitioner

: Mr.M.S.Jeyakarthik

For Respondents

: Mrs.M.Aasha

Government Advocate

ORDER

This Criminal Revision has been filed to set aside the impugned Condition No.3 made in the order dated 02.11.2021 in Cr.M.P.No.2294 of 2021 on the file of the Principal Sessions Judge, Ramanathapuram.

2. A vehicle, ie. Tipper lorry bearing Registration No.TN-65-AU-3555 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 in Cr.M.P.No.2294 of 2021. That petition was allowed by the Principal Sessions Judge, Ramanathapuram, on certain conditions. The petitioner has filed this revision against Condition No.3.

3. On the side of the petitioner, it is stated that the petitioner is a poor person depending on the vehicle for his income. The petitioner could not mobilise the fund of Rs.1,25,000/-. The Vehicle was seized by the police on 28.07.2021. If the vehicle is kept in the open place, the value of the vehicle will be deteriorated, due to the climatic conditions and prayed the condition to be set aside.

4. On the side of the respondents, it is stated that the petitioner is A1 in the case. The vehicle was seized with six units of sand without permit licence. The cost of the vehicle is more than thirty lakhs. The Special Court imposed a condition to deposit a sum of Rs.1,25,000/- which is reasonable and justifiable and prayed the petition to be dismissed.

5. The vehicle involved is a tipper lorry and the vehicle was seized by the respondent on 28.07.2021 and is kept idle for the past four months. If the vehicle is kept idle, the value of the vehicle will be deteriorated day by day. In view of the same, this Court is inclined to modify Condition No.3 as follows:-

The condition No.3 is modified that the petitioner is directed to deposit **Rs.50,000/-** instead of Rs.1,25,000/- in favour of the District Legal Services Authority, Ramanathapuram, within a period of two weeks from the date of receipt of a copy of this order. In respect of other conditions, the order of the Principal Sessions Judge shall remain unaltered.

6. This Criminal Revision Case is 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.

<https://hcservices.ecourts.gov.in/hcservices/>



To

- 1.The Principal Sessions Judge,
Ramanathapuram.
- 2.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.
- 3.The Assistant Director,
Geology and Mining Department,
Collectorate Complex,
Ramanathapuram,
Ramanathapuram District.
- 4.The Tahsildar,
Taluk Office,
Kadaladi,
Ramanathapuram District.
- 5.The Inspector of Police,
Kadaladi Police Station,
Ramanathapuram District.

COPY TO:-

THE DISTRICT LEGAL SERVICES AUTHORITY,
RAMANATHAPURAM.

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-38059[F]
dated 09/12/2021)

Crl. R.C.(MD)No.905 of 2021
09.12.2021

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