



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.12.2021

CORAM

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.949 of 2021

Sankar

.. Petitioner

Vs.

1.The State through

The Inspector of Police,
S.P.Pattinam Police Station,
Crime No.121 of 2021.

2.The Tahsildar,

Thiruvadanai Taluk,
Ramanathapuram District.

3.The Revenue Divisional Officer,

Ramanathapuram, Ramanathapuram District.

4.The Director,

Geology and Mining Department,
Collectorate Complex,
Ramanathapuram District.

.. Respondents

Prayer : This Revision Case is filed under Sections 397 and 401 of Cr.P.C., to call for the records pertaining to the order, passed in Cr.M.P.No.2720 of 2021, dated 17.11.2021, on the file of the Principal District and Sessions Judge, Ramanathapuram and to modify the onerous conditions Nos.2 and 3.

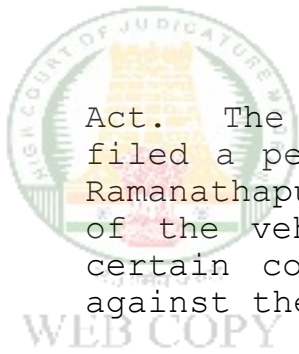
For Petitioner : Mr.B.Mahendra Rajan

For Respondents : Mr.K.Sanjay Gandhi
Government Advocate

ORDER

This Criminal Revision has been filed to call for the records pertaining to the order, passed in Cr.M.P.No.2720 of 2021, dated 17.11.2021, on the file of the Principal District and Sessions Judge, Ramanathapuram and to modify the onerous conditions Nos.2 and 3.

2.An unregistered Tractor was seized by the first respondent police in Crime No.121 of 2021, under Section 379 of I.P.C r/w. Section 21(1) of Mines and Minerals (Development and Regulation)



Act. The petitioner claiming himself as the owner of the vehicle filed a petition before the Principal District and Sessions Judge, Ramanathapuram, in Cr.M.P.No.2720 of 2021, for the temporary release of the vehicle. The Sessions Judge has allowed the petition on certain conditions. The petitioner has preferred this Revision against the condition Nos.(2) and (3).

3.On the side of the petitioner, it is stated that the trial Court has ordered a bond to be executed by two sureties, one such surety to be a blood relative and the petitioner is not able to produce blood related as a surety and that the condition to be set aside.

4. On the side of the revision petitioner, it is further stated that the petitioner has purchased the vehicle after getting loan from various persons. The petitioner is not in a position to deposit Rs.60,000/- and prayed the condition No.3 to be set aside.

5.On the side of the respondents, it is stated that both the conditions are reasonable conditions. The vehicle is an unregistered vehicle. There is no necessity to modify the conditions or to set aside the condition and prayed the petition to be dismissed.

6.It is seen that the vehicle is an unregistered one. Invoice bill was not filed in the typed set. Only a letter from HDFC Bank, regarding hypothecation was filed in the typed set. The Tractor and Trailer was also not registered. In the above circumstances, the condition No.2 is reasonable. The condition No.3 is modified to the effect that the petitioner is directed to deposit **Rs.60,000/- before the trial Court in Crime No.121 of 2021** and the trial Court is directed to deposit the amount in any one of the Nationalised Banks, in a Fixed Deposit scheme, automatically renewable once in three years. The trial Court is at liberty to pass an order regarding the deposit amount, after the completion of the case. In respect of other conditions, the order of the Principal Sessions Judge shall remain unaltered.

7. With the above direction, this Criminal Revision Case is partly allowed.

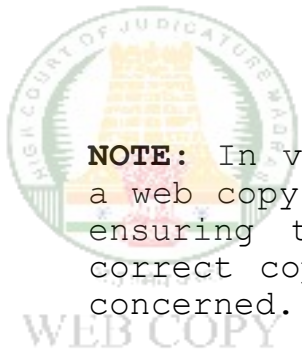
Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



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,
Ramanathapuram.
2. The Inspector of Police,
S.P.Pattinam Police Station,
Crime No.121 of 2021.
- 3.The Tahsildar,
Thiruvadanai Taluk,
Ramanathapuram District.
- 4.The Revenue Divisional Officer,
Ramanathapuram, Ramanathapuram District.
- 5.The Director,
Geology and Mining Department,
Collectorate Complex,
Ramanathapuram District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl. R.C.(MD)No.949 of 2021
23.12.2021

RK(25/01/2021) 3P 7C