



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 05.01.2022

CORAM

THE HON'BLE MR JUSTICE G.ILANGOVAN

Crl. R.C.(MD)No.6 of 2022

WEB COPY

Rajagopal

... Petitioner/Petitioner
Owner of the vehicle

Vs.

State through
The Inspector of Police,
Manapparai Police Station,
Trichy District.
(Crime No.1045 of 2021)

... Respondent/Respondent/
Complainant

Prayer : This criminal revision case is filed under Section 397 of Cr.P.C.r/w. Section 401 Cr.P.C., to call for the records pertaining to the order passed in Crl.M.P.No.5435 of 2021, dated 01.12.2021 on the file of the learned Principal District & Sessions Judge, Trichy and set-aside the condition No.5 imposed by the learned Principal District & Sessions Judge, Trichy.

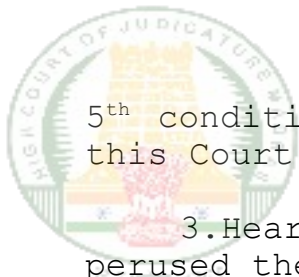
For Petitioner : Mr.C.BHARATHI, Advocate

For Respondent : Mr.K.SANJAIGANDHI
Government Advocate (Crl.Side)

ORDER

This Criminal Revision Case has been filed to modify the condition No.5 imposed by the learned Principal District & Sessions Judge, Trichy, in Crl.M.P.No.5435 of 2021, dated 01.12.2021.

2.The revision petitioner claims to be owner of the Ashok Leyland Tipper Lorry bearing Registration No.TN-22-BY-1768. On 20.10.2021, the government officials intercepted the vehicle of the petitioner and seized the same on the ground that it was used for carrying 3 units of illegal gravel sand without any valid permit and registered a case in Crime No.1045 of 2021 under Section 379 IPC and Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957. Subsequently, the petitioner has approached the learned Principal District & Sessions Judge, Trichy, by way of filing a petition in Crl.M.P.No.5435 of 2021 under Section 451 and 457 Cr.P.C seeking release of the vehicle and the learned Judge has allowed the petition filed by the petitioner by the order dated 01.12.2021, by imposing the 5th condition to the effect that the petitioner shall produce all the documents of ownership and surrender the original R.C Book before the concerned Judicial Magistrate. Challenging the



5th condition imposed by the trial Court, the petitioner is before this Court with this Criminal Revision.

3. Heard the learned counsel appearing on either side and perused the materials available on record.

4. The only grievance of the petitioner is that the original R.C. Book has been hypothecated with the Development Credit Bank Limited, Chennai. To that effect, he has produced a copy of the R.C book with the above said endorsement. Because of that, he is not in a position to comply the 5th condition imposed by the trial Court. Hence, he seeks modify the above said condition.

5. Instead of approaching the concerned Court, The revision petitioner approached this Court, by way of this petition. But, the grievance that has been expressed by the learned counsel for the revision petitioner is genuine one.

6. In view of that, this Criminal Revision is allowed. The order of the learned Principal District & Sessions Judge, Trichy, made in Crl.M.P.No.5435 of 2021, dated 01.12.2021, is modified in respect of the 5th condition alone and it is modified to the effect that the petitioner is directed to produce the attested copy of the R.C Book obtained from the financier before the concerned Judicial Magistrate. In respect of other conditions, the order of the learned Principal District & Sessions Judge, Trichy, shall remain unaltered.

Sd/-

Assistant Registrar (CS-II)

// 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 & SESSIONS JUDGE,
TRICHY.

2. THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

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



3 THE INSPECTOR OF POLICE,
MANAPPARAI POLICE STATION,
TRICHY DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

Crl.R.C. (MD)No.6 of 2022
Date:05.01.2022

SA (31.01.2022) 3P 5c