



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 12.01.2022

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WEB COPY

THE HONOURABLE MR. JUSTICE G.ILANGOVAN

Crl.R.C.(MD).No.23 of 2022

Madhavan .. Petitioner/Petitioner
Owner of the Vehicle.
/Vs./

State rep. by
The Inspector of Police,
Thiruneelakudi Police Station,
Thanjavur District.
(Crime No.1016 of 2020) .. Respondent/Respondent

PRAYER: This Civil Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to call for the records of the learned Principal Sessions Judge, Thanjavur in Cr.M.P.No.3865 of 2021 dated 09.12.2021 and modify the condition in Condition No.1 and 4.

For Petitioner : Mr.S.Prabha

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl. Side)

O R D E R

This revision case has been filed to call for the records of the learned Principal Sessions Judge, Thanjavur in Cr.M.P.No.3865 of 2021 dated 09.12.2021 and modify the condition in Condition No.1 and 4.

2.By the above said order, learned Sessions Judge, imposed the conditions that the petitioner to pay a sum of Rs.40,000/- (Rupees Forty Thousands only) which is non-refundable to the credit of "Patient Welfare Society, Government Headquarters Hospital, Kumbakonam" by means of Demand Draft before the Office of the Superintendent, Government Headquarter Hospitals, Kumbakonam and to surrender the original RC book of his Tractor before the concerned Magistrate Court till the disposal of the case.



3.The learned counsel for the petitioner submitted that the petitioner is only a farmer. The seized Tractor is the only means for his livelihood. Hence, he cannot mobilize the fund. Therefore, the petitioner could not comply the condition No.1. Regarding the 4th condition is concerned, the petitioner has purchased the vehicle by obtaining loan from a private finance company. Hence, the vehicle was hypothecated to the above said company and the original RC book is also with the company. He has also produced the documents to that effect. Therefore, he is unable to produce the original RC book of the vehicle. But he is ready to produce the xerox copy of the RC book of the concerned vehicle.

4.In view of the submissions made by the learned counsel for the petitioner, this Court is inclined to pass the following orders.

- (i)Considering the quantity of sand that is alleged to have been involved in the illegal transportation, the condition No.1 imposed by the learned Sessions Judge is modified to the effect that the petitioner shall pay a sum of Rs.20,000/- (Rupees Twenty Thousand only) which is non-refundable to the credit of "Patient Welfare Society, Government Headquarters Hospital, Kumbakonam" by means of Demand Draft before the Office of the Superintendent, Government Headquarter Hospitals, Kumbakonam.
- (ii)Considering the fact that the vehicle was hypothecated with the private finance company, the condition No.4 is modified to the effect that the petitioner shall produce a copy of the RC book, which is certified by the concerned private finance company, before the concerned Court.
- (iii)The other conditions imposed on the order passed by the learned Sessions Judge are remain unchanged.

5.With the above directions, this Criminal Revision Case is disposed of.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To

1. The Principal Sessions Judge,
Thanjavur.
2. The Inspector of Police,
Thiruneelakudi Police Station,
Thanjavur District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

COPY TO :

THE SUPERINTENDENT,
PATIENT WELFARE SOCIETY,
GOVERNMENT HEADQUARTER HOSPITALS,
KUMBAKONAM.

+1 CC to M/s.S.PRABHA, Advocate (SR-1754[F] dated 19/01/2022)

Crl.R.C.(MD).No.23 of 2022

12.01.2022

USK/23.02.2022/3P/5C