



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Cr1.R.C. (MD)No.105 of 2022

WEB COPY

Saravanankumar

... Petitioner/Petitioner

Vs.

The State represented by
The Inspector of Police,
Chettinadu Police Station,
Sivagangai District.
(Crime No.40 of 2021)

...Respondent/ Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records in Cr.M.P.No.3692 of 2021, dated 08.11.2021 on the file of the learned Principal Sessions Judge, Sivagangai and set aside the same insofar as 2nd Condition made in the order.

For Petitioner : Mr.R.ARAVIND RAJ, Advocate

For Respondent : Mr.K.SANJAY GANDHI

Government Advocate (Criminal Side)

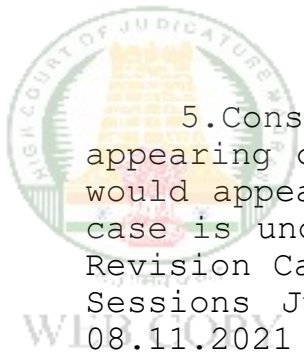
O R D E R

This petition has been filed to set aside the condition No.2 imposed by the learned Principal Sessions Judge, Sivagangai, in the order passed in Cr.M.P.No.3692 of 2021, dated 08.11.2021.

2.The petitioner claims to be the owner of the Tipper Lorry bearing Registration No.TN-75-K-4362. The respondent police intercepted the vehicle of the petitioner and seized the same on the ground that it was used for carrying illegal sand, without any valid permit and registered a case in Crime No.40 of 2021. Subsequently, the petitioner has approached the learned Principal Sessions Judge, Sivagangai, by way of filing a petition in Cr.M.P.No.3692 of 2021 for release of the vehicle and the learned Principal Sessions Judge has allowed the petition filed by the petitioner by its order, dated 08.11.2021, by imposing 2nd condition to the effect that the petitioner was directed to deposit a sum of Rs.1,00,000/- before the concerned Court in Crime No.40 of 2021 of Chettinadu Police Station, and in compliance of the condition, the above vehicle shall be returned to the petitioner on interim custody. Challenging the said condition imposed by the Court below, 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 2nd condition imposed by the learned Principal Sessions Judge, Sivagangai, is onerous.



5.Considering the grievance addressed by the learned counsel appearing on behalf of the petitioner with the relevant records, it would appear that the petitioner is a first offender. Further, the case is under investigation. Hence, in view of that, this Criminal Revision Case is partly allowed. The order of the learned Principal Sessions Judge, Sivagangai, made in Cr.M.P.No.3692 of 2021, dated 08.11.2021 is modified in respect of the condition No.2 alone and it is modified to the effect that the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) before the Court below in Crime No.40 of 2021 of Chettinadu Police Station and compliance of the condition, the above vehicle shall be returned to the petitioner on interim custody. In respect of other conditions, the order of the learned Principal Sessions Judge, Sivagangai, shall remain unaltered.

Sd/-
Assistant Registrar (A.D.I)

// True Copy //

/ /2022
Sub Assistant Registrar(CS)

To:-

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

+1 cc to Mr.S.VIJAYAKUMAR, Advocate, SR.No.5847

JUDGMENT MADE IN
Cr1.R.C. (MD) No.105 of 2022
10.02.2022

SS (22.02.2022) 2P 5c