



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 31.01.2022
CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C. (MD) No.72 of 2022

WEB COPY

Alagar

.. Petitioner/2nd Accused

Vs.

The State through,
The Inspector of Police,
Kalyarkovil Police Station,
Sivagangai District.
(Crime No.504 of 2021)

..Respondent/Respondent

Prayer : This Revision Case is filed under Sections 397 r/w. Section 401 of Cr.P.C., to set aside the second condition imposed in the impugned order, dated 04.01.2022, in Cr.M.P.No.5020 of 2021, on the file of the Principal Sessions Judge, Sivagangai in Crime No.504 of 2021.

For Petitioner	: Mr.V.Kannan
For Respondents	: Mr.R.Suresh Kumar Government Advocate

ORDER

This Criminal Revision has been filed to set aside the second condition imposed in the impugned order, dated 04.01.2022, in Cr.M.P.No.5020 of 2021, on the file of the Principal Sessions Judge, Sivagangai.

2. A vehicle, viz., JCB, bearing Registration No.TN-63-AP-2763 was seized by the respondent police, in Crime No.504 of 2021, under Sections 379, 511 of I.P.C. and Section 21(41) of Mines and Minerals (Development & Regulation) Act. The petitioner claiming himself as the owner of the vehicle filed a petition in Crl.M.P.No.5020 of 2021 before the Principal Sessions Judge, Sivagangai, for temporary return of the vehicle. That petition was allowed by the Principal Sessions Judge, Sivagangai, on 04.01.2022, with certain conditions. The petitioner has preferred this Revision against the condition No.(2), ie. for cash deposit of Rs.2,00,000/-, in Crime No.504 of 2021.

3. On the side of the petitioner, it is stated that trial Court has ordered for deposit of Rs.2,00,000/- within a week from the date of receipt of a copy of the order, which is oneous and prayed the condition to be set aside.

4. On the side of the prosecution, it is sated that the JCB is worth about Rs.25,00,000/- and the condition imposed by the trial Court is reasonable and prayed the petition to be dismissed.



5. In view of the submission made by the both sides, this Court is inclined to modify the condition No.(2) as follows:-

The petitioner is directed to deposit Rs.1,00,000/- (Rupees One Lakh Only) to the credit of Crime No.504 of 2021 before the Principal Sessions Judge, Sivagangai, and this Court *suo-motu* imposed the following conditions:

(i) The petitioner is directed to execute a bond for a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) with two sureties for a like sum each

(ii) the petitioner is directed to deposit the original R.C. book till the disposal of the case, to ensure the production of the vehicle at the time of trial and at the time of confiscation. In respect of other conditions, the order of the trial Court shall remain unaltered.

6. This Criminal Revision Case is allowed.

Sd/-

Assistant Registrar(AD-I)

// 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.

Issue order copy on 09.02.2022

To

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

+1 CC to M/s.V.KANNAN, Advocate (SR-3177[F] dated 31/01/2022)

Crl. R.C.(MD)No.72 of 2022

31.01.2022

MK/09.02.2022/3P/5C