



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 28.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.60 of 2022

Thiyagarajan

.. Petitioner/Petitioner

Vs.

State Rep. By
The Inspector of Police,
Avudaiyarkoil Police Station,
Pudukottai District.
(Crime No.271 of 2021)

.. Respondent

Prayer : This criminal revision case is filed under Sections 397 and 401 of Cr.P.C., to call for the records pertaining to the order passed by the learned Principal District and Sessions Judge, Pudukottai in Crl.M.P.No.2440 of 2021 dated 09.07.2021 and to set aside the condition in so far directing the petitioner to deposit a sum of Rs.20,000/- as cash security.

For Petitioner : Mr.T.Lenin Kumar

For Respondent : Mr.K.Sanjay Gandhi, Government Advocate

ORDER

This petition has been filed to set aside the order passed in Cr.M.P.No.2440 of 2021 dated 09.07.2021, on the file of the learned learned Principal District and Sessions Judge, Pudukottai, in respect of condition no.(a) alone.

2.A bullock cart was seized by the respondent police in Crime No.271 of 2021 under Section 379 of IPC r/w. Sections 21(1) and 21 (2) of Mines and Minerals (Development and Regulation)Act. Subsequently, the petitioner claiming himself as the owner of the bullock cart, has approached the learned Principal District and Sessions Judge, Pudukkottai, by filing a petition for release of the vehicle and the learned Judge allowed the petition in Crl.M.P.No.2440 of 2021 dated 09.07.2021, by imposing the condition no.(a) to the effect that "(i)the petitioner undertakes to remit a sum of Rs.20,000/- (Rupees Twenty Thousand only) as non refundable amount to the following account of the Tamil nadu Chief Minister's Relief Fund. A/C. Number : 11720 10000 00070, Branch : Secretariat Branch, Chennai - 600 009, IFSC Code : IOBA0001172, SWIFT Code : IOBAINBB001". Challenging the aforesaid condition, the petitioner is



before this Court with this revision case.

3. On the side of the petitioner, it is stated that the condition imposed by the learned Principal District and Sessions Judge, Pudukkottai is onerous and that he could not mobilise the funds to comply the condition no.(a) and that if the vehicle is kept in the open space, the vehicle will get spoiled and prayed to set aside the condition.

4. On the side of the respondent, it is stated that the deposit of Rs.20,000/- (Rupees Twenty Thousand only) for Tamil nadu Chief Minister's Relief Fund is for a useful purpose. The offence is against the society. The condition imposed by the trial Court are reasonable and prayed the petition to be dismissed.

5. This Court is inclined to modify the condition no.(a) to the effect that "the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Crime No.271 of 2021 on the file of the learned Principal District and Sessions Judge, Pudukkottai and the learned Principal District and Sessions Judge is directed to keep the fund in a fixed deposit scheme in a Nationalised Bank and he is at liberty to dispose of the amount after the disposal of the case.

6. With the above direction, this Criminal Revision Case is allowed. The order of the learned Principal District and Sessions Judge, Pudukkottai, in Cr.M.P.No.2440 of 2021 dated 09.07.2021, is thereby modified. In respect of other conditions, the order of the learned Principal District and Sessions Judge shall remain unaltered.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Mrn

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, Pudukkottai.

2.The Inspector of Police,
Avudaiyarkoil Police Station,
Pudukottai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to
The Officer Incharge,
Tamil nadu Chief Minister's Relief Fund.
Secretariat, Chennai - 600 009.

Crl. R.C. (MD) No.60 of 2022
28.01.2022

nsn(CO)
TR(08.02.2022) 3P 5C