



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 28.01.2022

CORAM

WEB COPY

**THE HONOURABLE MRS. JUSTICE R. THARANI**

Crl. R.C.(MD)No.66 of 2022

R.Ramesh

.. Petitioner

Vs.

State of Tamil Nadu Represented,  
the Inspector of Police,  
Arumanai Police Station,  
Represented by Public Prosecutor, Nagercoil,  
Kanyakumari District.  
(Crime No.358 of 2021)

.. Respondent

**Prayer :** This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the records and to set aside and to modify the first condition alone order passed in Crl.M.P.No.5286 of 2021 dated 23.12.2021 on the file of the learned Principal District and Sessions Judge, Kanyakumari Division at Nagercoil.

For Petitioner : Mr.N.S.Ramakrishna Dass  
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.5286 of 2021 dated 23.12.2021, on the file of the learned Principal Sessions Judge, Kanyakumari Division at Nagercoil, in respect of first condition alone.

2.A tractor bearing Registration No.TN-38-Z-8799 was seized by the respondent police in Crime No.358 of 2021 under Section 379 of IPC. Subsequently, the petitioner claiming himself as the owner of the tractor, has approached the learned Principal Sessions Judge, Kanyakumari, by filing a petition for release of the vehicles and the learned Judge allowed the petition in Crl.M.P.No.5286 of 2021 dated 23.12.2021, by imposing the first condition to the effect that "(i)the petitioner shall execute a bond for a sum of Rs.4,00,000/- (Rupees Four Lakhs only) with two solvent sureties (solvency certificate to be obtained from the concerned Tahsildar) each for a likesum to the satisfaction of the Judicial Magistrate No.I, Kuzhithurai". 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 Sessions Judge, Ramanathapuram is onerous and that if the vehicle is kept in the open space, the vehicle will get spoiled and prayed to set aside the condition.

WEB COPY

4. On the side of the respondent, it is stated that the conditions imposed by the trial Court are reasonable. If the vehicle is return to the revision petitioner, there is possibility of the vehicle to be used for commission of the similar offence again and prayed the petition to be dismissed. and prayed the petition to be dismissed.

5. This Court is inclined to modify the first condition to the effect that "the petitioner is directed to execute a bond for a sum of Rs.2,00,000/- (Rupees Two Lakhs only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Kuzhithurai".

6. With the above direction, this Criminal Revision Case is allowed. The order of the learned Principal Sessions Judge, Kanyakumari, in Cr.M.P.No.5286 of 2021 dated 23.12.2021, is thereby modified. In respect of other conditions, the order of the learned Principal Sessions Judge shall remain unaltered.

7. The respondent police is hereby directed to alter the case by impleading the relevant offence made out under the provision of Mines and Minerals (Development and regulation) Act and to file a alteration report before the concerned Court within a period of two weeks from the date of receipt of a copy of this order. A compliance report to be filed before this Court on or before 04.02.2021. The Registry is directed to send a copy of this order to the concerned respondent.

8. For reporting compliance by the respondent call on 04.02.2022.

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 Sessions Judge,  
Kanyakumari District at Nagercoil.

2.The Judicial Magistrate No.I,  
Kuzhithurai.

3.The Inspector of Police,  
Arumanai Police Station,  
Nagercoil,  
Kanyakumari District.

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

Crl. R.C. (MD) No.66 of 2022  
28.01.2022

MA (CO)

TR(01.02.2022) 3P 5C