



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 01.02.2022

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.76 of 2022

Poosaimani

.. Revision Petitioner /Petitioner

Vs.

State Rep. by,

The Inspector of Police,

Illuppur Police Station,

Pudukkottai District.

In (Crime No.452 of 2021)

.. Respondent /Respondent

Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the records relating to the order dated 10.01.2022 in Crl.M.P.No.128 of 2022 on the file of the learned Principal District and Sessions Judge, Pudukkottai and to set aside the same and consequentially direct the learned Judicial Magistrate Court, Iluppur, Pudukkottai District to return the vehicle bearing Registration No.TN-55-AS-4907 to the petitioner herein.

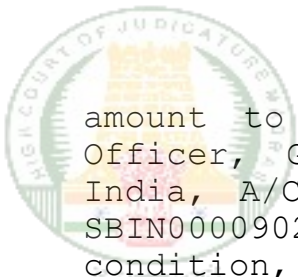
For Petitioner : Mr.M.Suresh

For Respondent : Mr.R.Suresh Kumar, Government Advocate

ORDER

This petition has been filed to set aside the order passed in Cr.M.P.No.128 of 2022 dated 10.01.2022, on the file of the learned learned Principal District and Sessions Judge, Pudukkottai, in respect of first condition alone.

2.A JCB bearing Registration No.TN-55-AS-4907 was seized by the respondent police in Crime No.452 of 2021 under Section 379 of IPC r/w. Section 21(1) of Mines and Minerals (Development and Regulation) Act. Subsequently, the petitioner claiming himself as the owner of the JCB, has approached the learned Principal District and Sessions Judge, Pudukkottai, by filing a petition for release of the vehicles and the learned Judge allowed the petition in Crl.M.P.No.128 of 2022 dated 10.01.2022, by imposing the first condition to the effect that "(i)the petitioner undertakes to remit a sum of Rs.1,00,000/- (Rupees One Lakh only) as non refundable



amount to the following account of the District Siddha Medical Officer, Government Hospital Campus, Pudukkottai, State Bank of India, A/C.Number : 30314843205, Branch Code : 902, IFSC Code : SBIN0000902, CIF No: 85186907717". Challenging the aforesaid condition, the petitioner is before this Court with this revision case.

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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 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 vehicle involved is the JCB. The offence is against Society and the conditions imposed by the trial Court are reasonable and prayed the petition to be dismissed.

5.In view of the above submissions, this Court is inclined to modify the first condition to the effect that "the petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.452 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 the learned Principal District and Sessions Judge is at liberty to dispose of the amount after the disposal of the case". This Court is inclined to *suo moto* modify the sixth condition to the effect that "the petitioner is directed to execute a bond for a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Illuppur".

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.128 of 2022 dated 10.01.2022, is thereby modified. In respect of other conditions, the order of the learned Principal District Sessions Judge shall remain unaltered.

Sd/-

Deputy Registrar (LA&MC)

// 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, ensuring that the copy of the order that is presented

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is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

- 1.The Principal District and Sessions Judge, Pudukkottai.
- 2.The Judicial Magistrate,
Illuppur.
- 3.The Inspector of Police,
Illuppur Police Station,
Pudukkottai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl. R.C. (MD) No.76 of 2022
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RD(04.03.2022) 3P 5C