



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2022

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C. (MD)No.126 of 2022

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... Petitioner/Petitioner

Vs.

State Rep. by
The Inspector of Police,
Kollidam Police Station,
Trichy District.
(Crime No.22 of 2022)

... Respondent/Respondent

Prayer: This Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C. to call for the records pertaining to the order passed by the Principal District and Sessions Court, Trichy in Crl.M.P.No.456 of 2022, dated 04.02.2022 and set aside the condition in so far directing the petitioner to deposit a sum of Rs.75,000/- as cash security.

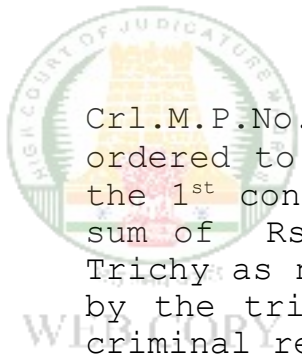
For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.R.M.Anbunithi,
Additional Public Prosecutor

ORDER

This Criminal Revision Petition has been filed to set aside the order passed by the learned Principal District and Sessions Court, Trichy in Crl.M.P.No.456 of 2022, dated 04.02.2022 and set aside the condition in so far directing the petitioner to deposit a sum of Rs.75,000/- as cash security.

2.The petitioner claims to be the owner of the Bullock Cart. On 27.01.2022, the complainant found that a Tractor bearing Registration No.TN-48-AA-7506 and its Trailer bearing Registration No.TN-55-J-8014, which was laid on the road and a JCB bearing registration No.TN-48-BB-7293. On enquiring the driver of the JCB, the complainant came to know that the said tractor with trailer met with an accident, to recover the same the JCB was engaged. But, the complainant seized the same and lodged complaint before the respondent police and registered a case in Crime No.22 of 2022 under Sections 279, 337, 379 of IPC r/w Section 21(1) of Mines and Minerals(Development and Regulation) Act, 1957. Subsequently, the petitioner has approached the learned Principal District and Sessions Court, Trichy, by way of filing a petition in



Crl.M.P.No.456 of 2022 for return of JCB and the learned Judge has ordered to return the JCB by an order dated 04.02.2022, by imposing the 1st condition to the effect that the petitioner should deposit a sum of Rs.75,000/- before the District Mineral Foundation Trust, Trichy as non-refundable deposit. Challenging the condition imposed by the trial Court, 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 the 1st condition imposed by the learned Principal District and Sessions Court, Trichy, are onerous.

5.In view of that, this Criminal Revision Case is partly allowed. The order of the learned Principal District and Sessions Court, Trichy made in Crl.M.P.No.456 of 2022, dated 04.02.2022 is modified in respect of the 1st condition alone and in the 1st condition, it is modified to the effect that the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty thousand only) before the District Mineral Foundation Trust, Trichy as non-refundable deposit. In respect of other conditions, the order of the learned Principal District and Sessions Court, Trichy, shall remain unaltered.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

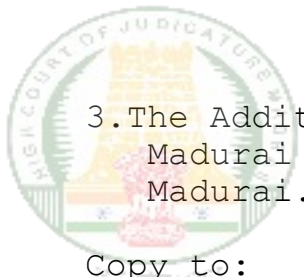
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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Principal District and Sessions Judge,
Trichy.

2.The Inspector of Police,
Kollidam Police Station,
Trichy District.



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

Copy to:

The Officer In-charge, District Mineral Foundation Trust,
Trichy

Crl.R.C. (MD) No.126 of 2022
11.02.2022

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