



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **16.03.2022**

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C. (MD)No.263 of 2022

Vasanth Kumar

... Petitioner/Petitioner/
Owner of the Vehicle

Vs.

1. The State through
The Inspector of Police,
Abiramam Police Station,
Cr.No.15 of 2020.
2. The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.
3. The Assistant Director,
Geology and Mining Department,
Collectorate Complex,
Ramanathapuram.
4. The Tahsildar,
Kamuthi Taluka Office,
Ramanathapuram District.

...Respondents/Respondents/
Complainants

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to the order passed in Crl M.P No. 2360 of 2021 dated 20.01.2022 on the file of the Learned Principal District and Sessions Court, Ramanathapuram and set aside and modify the onerous conditions 1 and 2 .

For Petitioner : Mr.V.Manikandan

For Respondents : Mrs.M.Aasha

Government Advocate (Criminal Side)

O R D E R

This petition has been filed to set aside the conditions Nos.1 and 2 imposed by the learned Principal Sessions Judge, Ramanathapuram, in the order passed in Cr.M.P.No.2360 of 2021, dated 20.01.2022.



2.The petitioner claims to be the owner of the Tractor Registration No.TN-55-M-9866. The respondent police intercepted the vehicle of the petitioner and seized the same on the ground that it was used for carrying illegal sand, without any valid permit and registered a case in Crime No.15 of 2020. Subsequently, the petitioner has approached the learned Principal Sessions Judge, Ramanathapuram, by way of filing a petition in Cr.M.P.No.2360 of 2021 for release of the vehicle and the learned Principal Sessions Judge has allowed the petition filed by the petitioner by its order dated 20.01.2022, by imposing condition to the effect that the petitioner was directed to execute a bond for a sum of Rs.1,00,000/- along with two sureties to the satisfaction of the learned Judicial Magistrate concern and also to deposit a sum of Rs.60,000/- by way of individual deposit in favour of the District Legal Services Authority, Ramanathapuram and compliance of the condition, the above vehicle shall be returned to the petitioner on interim custody. Challenging the said conditions imposed by the Court below, the petitioner is before this Court with this criminal revision case.

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 condition imposed by the learned Principal Sessions Judge, Ramanathapuram to remit a sum of Rs.60,000/- is onerous.

5.Considering the grievance addressed by the learned counsel appearing on behalf of the petitioner with the relevant records, it would appear that the petitioner is a first offender. Further, the case is under investigation. Hence, in view of that, this Criminal Revision Case is partly allowed. The order of the learned Principal Sessions Judge, Ramanathapuram, made in Cr.M.P.No.2360 of 2022, dated 20.01.2022 is modified in respect of the condition No.2 alone and it is modified to the effect that the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) before the concerned Court in Crime No.15 of 2020 of Abiramam Police Station and compliance of the condition, the above vehicle shall be returned to the petitioner on interim custody. In respect of other conditions, the order of the learned Principal Sessions Judge, Ramanathapuram, shall remain unaltered.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To:-

1. The Principal Sessions Judge,
Ramanathapuram District.
2. The Inspector of Police,
Abiramam Police Station,
Ramanathapuram District.
3. The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.
4. The Assistant Director,
Geology and Mining Department,
Collectorate Complex,
Ramanathapuram.
5. The Tahsildar,
Kamuthi Taluka Office,
Ramanathapuram District.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.V.MANIKANDAN, Advocate (SR-12571[F] dated 16/03/2022)

Crl.R.C. (MD) No.263 of 2022
16.03.2022

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MS/25.03.2022/3P.8C