



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2022

CORAM:

WEB COPY

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

Crl.R.C. (MD)No.221 of 2022

Balamurugan

... Petitioner/
Petitioner/owner of vehicle

Vs.

1.The State Rep. by
The Inspector of Police,
Keeramangalam Police Station,
Pudukkottai District.
(Crime No.8 of 2022)

...1st Respondent/Respondent/
Complainant

2.Equitas Small Finance Bank Ltd,
No.75/76A Benito complex, kottaikulam
Up stairs SSB murugan Enterprisers,
Tanjore main road,
Pattukottai.

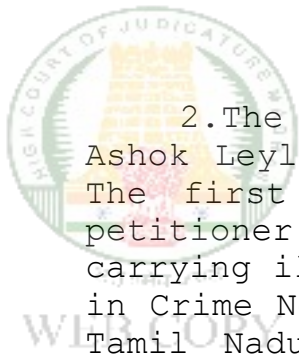
...2nd Respondent/
2ndRespondent/Financier of the vehicle

Prayer: This Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C. to call for the records pertaining to the order dated 10.02.2022 made in Crl.M.P.No. 509 of 2022 passed by the learned Principal District & Sessions Judge Pudukkottai and in respect of the condition No.(1) and (3) imposed is alone to set aside consequently direct the learned Principal District & Sessions Judge Pudukkottai to release the Ashok Leyland Ltd Dost bearing Registration TN 45 BV 0477 to the petitioner.

For Petitioner : Mr.B.Santhanam Rajesh Kumar
For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Criminal Side)

ORDER

This Criminal Revision Petition has been filed praying to set aside the impugned order in respect of condition Nos.1 and 3, passed by the Principal District & Sessions Judge, Pudukkottai in Crl.M.P.No. 509 of 2022, dated 10.02.2022 and consequently direct the learned Principal District & Sessions Judge, Pudukkottai to release the Ashok Leyland Ltd Dost bearing Registration TN 45 BV 0477 to the petitioner.



2.The petitioner claims to be the owner of the vehicle, namely, Ashok Leyland Limited Dost bearing Registration No. TN 45 BV 0477. The first respondent police has 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.8 of 2022 under Section 379 of IPC and Section 21(1) of Tamil Nadu Mines and Minerals (Development and Regulation) Act, 1957. Subsequently, the petitioner has approached the learned Principal District & Sessions Judge, Pudukkottai, by way of filing a petition in Cr.M.P.No.509 of 2022 for release of the said vehicle and the learned Judge has allowed the petition filed by the petitioner by its order dated 10.02.2022, by imposing the first and third conditions to the effect that the petitioner should deposit a sum of Rs.40,000/- as non refundable amount in favour of the Hospital Maintenance Fund-Government Medical College Hospital, Pudukkottai. and in the third condition, the petitioner was directed to produce the original R.C.Book before the learned Judicial Magistrate, Alangudi. Challenging the conditions 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 first and third conditions imposed by the learned Principal District & Sessions Judge, Pudukkottai are onerous.

5.In view of that, this Criminal Revision Case is partly allowed. The order of the learned Principal District & Sessions Judge, Pudukkottai, made in Crl.M.P.No. 509 of 2022, dated 10.02.2022 is modified in respect of the first and third conditions. The first condition is modified to the effect that the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five thousand only) in favour of the Hospital Maintenance Fund-Government Medical College Hospital, Pudukkottai and the third condition is modified to the effect that the petitioner shall produce an attested xerox copy of the R.C.Book since the petitioner purchased the subject vehicle through his financier and as such, original R.C.Book is in the custody of the financier and he could not able to produce the original R.C.Book. In respect of other conditions, the order of the learned Principal District & Sessions Judge, Pudukkottai, shall remain unaltered.

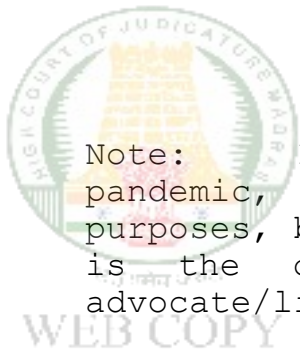
Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



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 & Sessions Judge,
Pudukkottai.
2. The Inspector of Police,
Keeramangalam Police Station,
Pudukkottai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

COPY TO:

The Officer Incharge,
Government Medical College Hospital,
(Hospital Maintenance Fund),
Pudukkottai.

Crl.R.C. (MD) No.221 of 2022
07.03.2022

lr

MS/25.03.2022/3P.5C