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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2022

CORAM:

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

Crl.R.C.(MD)No.246 of 2022

S.Justin ... Petitioner/Petitioner

Vs.

The Sub Inspector of Police,
Kadayalumoodu Police Station,
represented by Public Prosecutor,
Nagercoil,
Kanyakumari District.
(Crime No.06 of 2022) ...Respondent/Respondent

Prayer: This Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C. to call for the records and set aside and modify the first condition alone order passed in Crl.M.P No.921 of 2022 dated 22.02.2022 on the file of Principal District and Session Judge, Kanyakumari Division at Nagercoil.

For Petitioner : Mr.N.S.Ramakrishna Dass
For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Criminal Side)

ORDER

This Criminal Revision Petition has been filed praying to set aside and modify the first condition alone in the order passed by the learned Principal District and Sessions Judge, Kanyakumari Division at Nagercoil in Crl.M.P.No.921 of 2022, dated 22.02.2022.

2.The petitioner claims to be the owner of the TATA 407 Tipper bearing Registration No.TN-74-AU-4687. The respondent police has intercepted the vehicle of the petitioner and seized the same on the ground that it was used for carrying Blue Metal (jally) without any valid permit and registered a case in Crime No.06 of 2022 under Section 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 Sessions Judge, Kanyakumari Division at Nagercoil, by way of filing a petition in Crl.M.P.No.921 of 2022, for release of the TATA 407 Tipper and the learned Judge has allowed the petition filed by the petitioner by its order dated 22.02.2022, by imposing the first condition to the effect that the petitioner shall execute a bond for a sum of Rs.8,00,000/-(Rupees Eight lakhs only) with two solvent sureties (solvency certificate to be obtained from the concerned Tahsildar) each for a likesum to the satisfaction of the learned Judicial Magistrate No.I, Kuzhithurai. Challenging the condition imposed by

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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 condition imposed by the learned Principal Sessions Judge, Kanyakumari Division at Nagercoil is onerous.

5.In view of that, this Criminal Revision Case is partly allowed. The order of the learned Principal Sessions Judge, Kanyakumari Division at Nagercoil, made in Crl.M.P.No.921 of 2022, dated 22.02.2022 is modified in respect of the first condition alone and in the first condition it is modified to the effect that the petitioner shall execute a bond for a sum of Rs.8,00,000/-(Rupees Eight lakhs only) with two ordinary sureties each for a likesum to the satisfaction of the learned Judicial Magistrate No.I, Kuzhithurai. In respect of other conditions, the order of the learned Principal District and Sessions Judge, Kanyakumari Division at Nagercoil, shall remain unaltered.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr

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 Session Judge,
Kanyakumari Division at Nagercoil.

2.The Judicial Magistrate No.I,
Kuzhithurai.

3.The Sub Inspector of Police,
Kadayalumoodu Police Station,
Nagercoil,Kanyakumari District.

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

COPY TO:-

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES)

+1 CC to M/s.N.S.RAMAKRISHNA DASS, Advocate (SR-11930[F] dated 14/03/2022)

Crl.R.C.(MD)No.246 of 2022
11.03.2022

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