



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN
Crl.R.C. (MD)No.414 of 2022

Seenivasan

... Petitioner/Petitioner
Owner of the Vehicle

Vs.

State through
The Inspector of Police,
Illuppur Police Station.
(Crime No.451 of 2021)

...Respondent/Respondent/
Complaint

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.284 of 2022 dated 21.03.2022 on the file of the learned Principal District and Sessions Court, Pudukkottai and set aside and modify the onerous conditions 1st and 3rd.

For Petitioner : Mr.B.Mahendrarajan

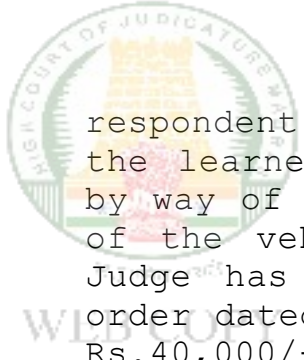
For Respondent : Mrs.M.Aasha

Government Advocate (Criminal Side)

O R D E R

This petition has been filed to set aside the impugned condition Nos.1 and 3 made in the impugned order dated 21.03.2022 Crl.MP.No.284 of 2022 on the file of the learned Principal District and Sessions Court, Pudukkottai.

2.The petitioner claims to be the owner of the Tractor bearing Reg.No. TN 49 BY 0220 and the petitioner's entire family is depending upon the income derived from plying the said vehicle by rental. In the above circumstances, on 22.12.2021 the respondent police registered a case in Crime No.451 of 2021 for the offence under Section 379 IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 alleging that the petitioner and other accused were illegally taking sand from kanmai without valid permit. Due to which, the respondent police seized the above vehicle and it is now in the custody of the



respondent police. Subsequently, the petitioner has approached the learned Principal District and Sessions Judge, Pudukkottai, by way of filing a petition in CrI.M.P.No.284 of 2022 for release of the vehicle and the learned Principal District and Sessions Judge has allowed the petition filed by the petitioner by its order dated 21.03.2022, directing the petitioner to remit a sum of Rs.40,000/- as non refundable amount to the following account of the Hospital Maintenance Fund-Government Medical College Hospital, Pudukkottai, State Bank of India, A/c.No.10909709432, Branch Code: 902, IFSC Code: SBIN0000902, CIF No.80731554225. Further, the petitioner is directed to produce the original RC book before the Judicial Magistrate, Illuppur. Challenging the said conditions imposed by the Court below, the petitioner is before this Court with this criminal revision.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (CrI.Side) and perused the materials available on record.

4. The only grievance of the petitioner is that the conditions imposed by the learned Principal Sessions and District Judge, Pudukkottai to remit a sum of Rs.40,000/- as non refundable amount to the Hospital Maintenance Fund-Government Medical College Hospital, Pudukkottai and produce the RC book before the Court below are 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 District and Sessions Judge, Pudukkottai, made in Cr.M.P.No.284 of 2022, dated 21.03.2022 directing the petitioner to deposit a sum of Rs.40,000/- as non refundable amount to the credit of Hospital Maintenance Fund-Government Medical College Hospital, Pudukkottai is modified to the effect that the petitioner shall pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as non refundable amount to the following account of the Hospital Maintenance Fund-Government Medical College Hospital, Pudukkottai, State Bank of India, A/c.No.10909709432, Branch Code: 902, IFSC Code: SBIN0000902, CIF No.80731554225 within a period of two weeks from the date of receipt of a copy of this order. Further, the petitioner shall produce the receipt for the remit of the same from the concerned authority at the time of furnishing security before the concerned Magistrate Court and on compliance of the condition, the above vehicle shall be returned to the petitioner on interim custody. In respect of third condition, the petitioner is directed to produce a copy of the RC book before the Court below, since the



petitioner's RC book is with the financier. In respect of other conditions, the order of the learned Principal District and Sessions Judge, Pudukkottai, shall remain unaltered.

Sd/-

Assistant Registrar(CO)

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// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To:-

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

Cr1.R.C.(MD)No.414 of 2022
28.04.2022

SP/12/05/2022/3P/6C