



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.05.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.R.C(MD)No.448 of 2022

Vijayakumar

... Petitioner/Petitioner

Vs.

1.State represented by,
The Inspector of Police,
Nagudi Police Station,
Pudukottai District.
(Crime No.260 of 2021).

2.The Branch Manager,
M/s.Equtas Small Finance Limited,
D.No.31/2, VPR Tower,
Periyar Salai, 2nd Floor,
Sekkalai Salai,
Jawaher Street,
Karaikudi.

... Respondents/Respondents

PRAYER: Criminal Revision Case filed under Section 397 and 401 of the Code of Criminal Procedure, to call for the records pertaining to the order passed by the learned Principal District and Sessions Judge, Pudukottai in Crl.M.P.No.1103 of 2022, dated 04.04.2022 and set aside the condition in so far directing the petitioner to deposit a sum of Rs.40,000/- as cash security.

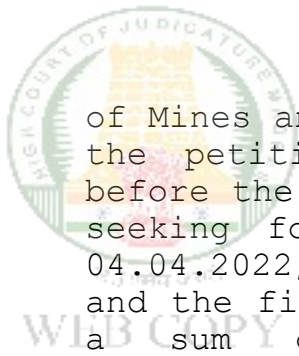
For Petitioner : Mr.T.Lenin Kumar

For R - 1 : Ms.M.Aasha
Government Advocate (Criminal Side)

ORDER

This Revision has been filed to set aside the order passed by the learned Principal District and Sessions Judge, Pudukottai in Crl.M.P.No.1103 of 2022, dated 04.04.2022 and set aside the condition in so far directing the petitioner to deposit a sum of Rs.40,000/- as cash security.

2.The petitioner submits that he is the owner of the Bolero bearing Registration No.TN-22-CY-7177. At this juncture, on 29.07.2021, when the petitioner was transporting building waste material, the first respondent seized the vehicle on the allegation that the vehicle was used to transport ½ unit of sand. After seizure of the vehicle, the first respondent registered a case in Crime No.260 of 2021 under Section 379 of I.P.C r/w Section 21(1), 21(2)



of Mines and Minerals (Development and Regulation) Act, 1957. Hence, the petitioner filed an application in Crl.M.P.No.1103 of 2022 before the learned Principal District and Sessions Judge, Pudukottai seeking for return of vehicle. The trial Court by order dated 04.04.2022, ordered to return the Bolero subject to six conditions and the first condition is that "the petitioner undertakes to remit a sum of Rs.40,000/- (Rupees Forty Thousand Only) as non-refundable amount to the Mediation and Conciliation Centre, Pudukottai". Challenging the condition No.1 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 condition imposed by the learned Principal District and Sessions Judge, Pudukottai, is onerous.

5.In view of the above, this Criminal Revision Case is partly allowed. The order of the learned Principal District and Sessions Judge, Pudukottai made in Crl.M.P.No.1103 of 2022, dated 04.04.2022 is modified in respect of the first condition alone and in the first condition, it is modified to the effect that "the petitioner undertakes to remit a sum of Rs.20,000/- (Rupees Twenty Thousand Only) as non-refundable amount to the Mediation and Conciliation Centre, Pudukottai". In respect of other conditions, the order of the learned Principal District and Sessions Judge, Pudukottai, shall remain unaltered.

Sd/-

Assistant Registrar (CS-III)

// 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 and Sessions Court,
Pudukottai.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Inspector of Police,
Nagudi Police Station,
Pudukottai District.

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

+1 CC to M/s.T. LENIN KUMAR, Advocate (SR-23863[F] dated 20/05/2022
)

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19.05.2022

RD(02.06.2022) 3P 5C