



Crl.R.C.(MD) No.519 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

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Karthika

... Petitioner/Owner of the vehicle

Vs.

**The State rep.by the
The Inspector of Police,
Ilayangudi Police Station,
Sivagangai District.
(Crime No.91 of 2022)**

...Respondent/Complainant

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records of the learned Principal District and Sessions Judge, Sivagangai in Cr.M.P.No.2004 of 2002, dated 02.06.2022 and modify the condition in condition No.2. “(2) the petitioner shall deposit a sum of Rs.1,00,000/- before this Court in Crime No.91 of 2022 within a period of one week from the date of receipt of copy of this order”.

For Petitioner : Mr.Veerakumar, T.

**For Respondent : Mr.S.Manikandan,
Government Advocate (Crl. side)**



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ORDER

This Criminal Revision Petition is directed against the condition imposed by the learned Principal District and Sessions Judge, Sivagangai, in the order passed in Cr.M.P.No.2004 of 2022, dated 02.06.2022.

2.The petitioner claims to be the owner of the Tipper Lorry bearing Registration No.TN-63-AL-3297. The respondent police intercepted the vehicle viz., Tipper Lorry bearing Registration No.TN-63-AL-3297and seized the vehicle as the same were used for transporting of illegal sand without any valid license or permit and registered a case in Crime No.91 of 2022 for the offence under Section 379 of IPC.

3.It is not in dispute that the petitioner has approached the learned Principal Sessions Court, Sivagangai, for returning of Tipper Lorry in Cr.M.P.No.2004 of 2022 and the learned Principal Sessions Judge, vide order dated 02.06.2022, has allowed the petition with certain conditions that the petitioner shall pay a sum of Rs.1,00,000/- to the credit of Crime No.91 of 2022



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within a period of one week. Challenging the said condition, the above criminal revision came to be filed before this Court.

4.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

5.The learned counsel for the petitioner would submit that the petitioner's vehicle was never involved in any illegal activity and the respondent police without verifying the same has foisted the above false case. He would further submit that the petitioner's family is depending upon the income deprived from the above said vehicle on rental basis.

6.The main grievance of the petitioner is that the condition imposed by the learned Principal Sessions Judge in directing the petitioner to deposit a sum of Rs.1,00,000/- to the credit of Crime No.91 of 2022 within a period of one week, is onerous.

7.Considering the above facts and circumstances of the case and also the facts that the petitioner is not having any previous cases for similar offence and



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that the petitioner's vehicle was not involved in any other case and also taking note of the fact that the conditions imposed by the learned Principal Sessions Judge, is onerous, this Court is inclined to modify the condition.

8.In the result, this Criminal Revision Petition is partly allowed. The order of the learned Principal Sessions Judge, Sivagangai, made in Cr.M.P. No.2004 of 2022, dated 02.06.2022 is modified in respect of the condition No.2 alone and it is modified to the effect that the petitioner is directed to pay a sum of Rs.60,000/- (Rupees Sixty Thousand only) to the credit of Crime No.91 of 2022 within a period of one week from the date of receipt of copy of this order before the Jurisdictional Magistrate. In respect of other conditions, the order of the learned Principal Sessions Judge, Sivagangai, shall remain unaltered.

28.06.2022

Index : Yes/No
Internet : Yes/No
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To:-

- 1.The Principal Sessions Court,
Sivagangai.
- 2.The Inspector of Police,
Ilayangudi Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

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ORDER MADE IN
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