



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 24.06.2022

Delivered on : 30.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE **K.MURALI SHANKAR**

Crl.R.C. (MD)No.545 of 2022

and

Crl.M.P. (MD)No.6774 of 2022

Rajan

... Petitioner/Petitioner

Vs.

State represented by
The Inspector of Police,
Radhapuram Police Station,
Tirunelveli District.
(Crime No.51 of 2022)

...Respondent/Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the entire records relating to the impugned order passed in Cr.M.P.No.3838 of 2022 dated 11.05.2022 on the file of the learned District and Sessions Judge, Tirunelveli, and set aside the same in so far as the condition No.2 is concerned to allow the Criminal Revision Petition.

For Petitioner : Mr.L.P.Maurya
For Respondent : Mr.S.Manikandan,
Government Advocate (Crl. side)

O R D E R

This Criminal Revision Petition is directed against the condition imposed by the learned District and Sessions Judge, Tirunelveli, in the order passed in Cr.M.P.No.3838 of 2022 dated 11.05.2022.

2.The petitioner claims to be the owner of the Tempo bearing Registration No.TN-49-L-7844. On 11.03.2022, the respondent police intercepted the vehicle viz., Tempo bearing Registration No.TN-49-L-7844 and seized the vehicle as the same was used for transporting of illegal sand without any valid license or permit and registered a case in Crime No.51 of 2022 for the offence under Section 379 of IPC.

3.It is not in dispute that the petitioner has approached the learned District and Sessions Court, Tirunelveli, for returning of Tempo vehicle in Cr.M.P.No.3838 of 2022 and the learned District and Sessions Judge, vide order dated 11.05.2022, has allowed the petition with certain conditions that the petitioner shall pay a sum of Rs.20,000/- to the "Government of TamilNadu Chief Minister's



Public Relief Fund". 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 family is depending upon the income deprived from the above said vehicle.

6. The main grievance of the petitioner is that the condition imposed by the learned District and Sessions Judge in directing the petitioner to pay a sum of Rs.20,000/- is onerous.

7. Considering the above facts and circumstances of the case and also taking note of the fact that the condition imposed by the learned District and 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 District and Sessions Judge, Tirunelveli, made in Cr.M.P.No.3838 of 2022, dated 11.05.2022 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.10,000/- (Rupees Ten Thousand only) to the "Government of TamilNadu Chief Minister's Public Relief Fund". In respect of other conditions, the order of the learned District and Sessions Judge, Tirunelveli, shall remain unaltered. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

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/07/2022

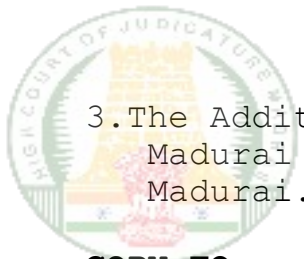
Sub Assistant Registrar (CS)

CSM

To:-

1. The District and Sessions Judge,
Tirunelveli.

2. The Inspector of Police,
Radhapuram Police Station,
Tirunelveli District.



3.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)**

COPY TO:-

THE OFFICER INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND,
FINANCE (CMPRF) DEPARTMENT,
GOVERNMENT OF TAMIL NADU,
SECRETARIAT, CHENNAI 600 009.

+1 CC to M/s.L.P. MAURYA, Advocate (SR-29167[F] dated 30/06/2022)

ORDER MADE IN
Cr1.R.C. (MD) No.545 of 2022
30.06.2022

km (CO)

GC (07.07.2022) 3P 8C