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Crl.R.C.(MD) No.583 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Cr1.R.C. (MD)No.583 of 2022

D.Jeyakumar ... Petitioner/Petitioner/4th accused
owner of the JCB Regn. No.TN-49-AB-3369

Vs.

The Inspector of Police,
Ammamet Police Station,
Thanjavur District.
(Crime No.785 of 2021) ...Respondent/Respondent/Complainant

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 Cr.M.P.No.2079 of 2022 dated 15.06.2022 on the file of the learned Principal Sessions Court, Thanjavur, and modify and set aside the onerous conditions 1, 2 and 4.

For Petitioner : Mr.T.Mahendran

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl. side)

O R D E R

This Criminal Revision Petition is directed against the conditions imposed by the learned Principal Sessions Judge, Thanjavur, in the order passed in Cr.M.P.No.2079 of 2022 dated 15.06.2022.

2.The petitioner claims to be the owner of the JCB bearing Registration No.TN-49-AB-3369. On 11.07.2021, the respondent police intercepted the vehicles viz., JCB bearing Registration No.TN-49-AB-3369 and Ashok Leyland Tipper Lorry bearing Registration No.TN-37-AE-2278 and seized the vehicles as the same were used for transporting of illegal sand without any valid license or permit and registered a case in Crime No.785 of 2021 for the offences under Section 379 of IPC and Section 21(4) of Mines and Minerals (Development and Regulation) Act.



3.It is not in dispute that the petitioner has approached the learned Principal Sessions Court, Thanjavur, for returning of JCB vehicle in Cr.M.P.No.2079 of 2022 and the learned Principal Sessions Judge, vide order dated 15.06.2022, has allowed the petition with certain conditions that the petitioner shall pay a sum of Rs.1,00,000/- which is non-refundable to the credit of Education Department, by means of Demand Draft to be drawn in favour of "The Chief Educational Officer, Thanjavur (Development Fund)" and that the petitioner shall execute a personal bond for a sum of Rs.5,00,000/- with two sureties each for like sum to the satisfaction of the Jurisdictional Magistrate. Challenging the above two conditions, 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 conditions imposed by the learned Principal Sessions Judge in directing the petitioner to deposit a sum of Rs.1,00,000/- as non-refundable deposit and to execute a bond for Rs.5,00,000/- with two sureties each for like sum to the satisfaction of the Jurisdictional Magistrate are 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 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 are onerous, this Court is inclined to modify the conditions.

8.In the result, this Criminal Revision Petition is partly allowed. The order of the learned Principal Sessions Judge, Thanjavur, made in Cr.M.P.No.2079 of 2022, dated 15.06.2022 is modified in respect of the condition Nos.1 and 2 alone and it is modified to the effect that the petitioner is directed to pay a sum of Rs.50,000/- (Rupees Fifty Thousand only) as non-refundable to the credit of the Education Department by means of Demand Draft to be drawn in favour of "The Chief Educational Officer, Thanjavur (Development Fund)" and to execute a personal bond for a sum of



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Rs.3,00,000/- (Rupees Three Lakhs only) with two sureties each for like sum to the satisfaction of the Jurisdictional Magistrate. In respect of other conditions, the order of the learned Principal Sessions Judge, Thanjavur, shall remain unaltered.

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Sd/-

Assistant Registrar()

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

CSM

To:-

- 1.The Principal Sessions Court,
Thanjavur.
2. The Judicial Magistrate, Papanasam, Thanjavur.
- 3.The Chief Judicial Magistrate, Papanasam, Thanjavur.
- 4.The Inspector of Police,
Ammamet Police Station,
Thanjavur District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
6. The Section Officer, Criminal Section,
Madurai Bench of Madras High Court, Madurai

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KB(05.07.2022) 3P 8C