



Crl.R.C.(MD) No.600 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.600 of 2022

G.Santhanakrishnan

... Petitioner/Petitioner

Vs.

**The Inspector of Police,
Kariyapatti Police Station,
Virudhunagar District.
(Crime No.52 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 records of Cr.M.P.No.839 of 2022 in C.P.No.19 of 2022 dated 16.06.2022 passed by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur and set aside the same in so far as condition (i).



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For Petitioner : Mr.A.Balaji,
For Respondent : Mr.S.Manikandan,
Government Advocate (Crl. side)

JUDGMENT

This Criminal Revision Petition is directed against the condition No.i imposed by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, in the order passed in Cr.M.P.No.839 of 2022 in C.P.No.19 of 2022 dated 16.06.2022.

2.The petitioner claims to be the owner of DOST bearing Registration No.TN-67-BZ-1021. On 07.03.2022, the respondent police intercepted the vehicle viz., DOST bearing Registration No.TN-67-BZ-1021 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.52 of 2022 for the offences under Section 379 of IPC and Section 21(5) of Mines and Minerals (Development and Regulation) Act.



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3.It is not in dispute that the petitioner has approached the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, for returning of the said vehicle in Cr.M.P.No.839 of 2022 and the learned Principal District and Sessions Judge, vide order dated 16.06.2022, has allowed the petition with certain conditions that the petitioner shall surrender the original R.C. Book and to deposit a sum of Rs.1,00,000/- before the Court below in Crime No.52 of 2022 of Kariapatti Police Station. 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.



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6.The main grievance of the petitioner is that the condition imposed by the learned Principal District and Sessions Judge in directing the petitioner to deposit a sum of Rs.1,00,000/- is onerous and that the value of the vehicle will be deteriorated due to the exposure to sun and rain.

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 condition imposed by the learned Principal District and Sessions Judge is onerous, this Court is inclined to modify the condition.

8.In the result, this Criminal Revision Petition is allowed. The order of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, made in Cr.M.P.No.839 of 2022, dated 16.06.2022 is modified in respect of the condition No.1 alone and it is modified to the effect that the petitioner is directed to surrender the original R.C. Book and to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.52 of 2022 before the learned learned Principal District and Sessions Judge, Virudhunagar



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District at Srivilliputhur and on compliance of the condition, the above vehicle which was remanded in P.R.No.19 of 2022 shall be returned to the petitioner on interim custody. In respect of other conditions, the order of the learned learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, shall remain unaltered.

30.06.2022

Index : Yes/No
Internet : Yes/No
csm

To:-

- 1.The Principal District and Sessions Judge,
Virudhunagar District at Srivilliputhur.
- 2.The Inspector of Police,
Kariyapatti Police Station,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

csn

**ORDER MADE IN
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30.06.2022