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Crl.R.C.(MD)No.653 of 2022



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2022

CORAM:

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

Crl.R.C.(MD)No.653 of 2022

Muthupandi @ Pandimuthu

... Petitioner/Petitioner/
Owner of the Vehicle/A3

Vs.

State Rep. by
The Sub-Inspector of Police,
Maraneri Police Station,
Virudhunagar District.
Crime No.22 of 2022

...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 relating to the case in Cr.M.P.No.1515 of 2022 in P.R.No.29 of 2022 on the file of the Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, dated 22.06.2022 in Crime No.22 of 2022 on the file of the respondent police and set aside the same.

For Petitioner : Mr.S.M.Anantha Murugan

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, Virudhunagar District at Srivilliputhur in the order passed in Cr.M.P.No. 1515 of 2022 in P.R.No.29 of 2022, dated 22.06.2022, directing the petitioner to surrender the original R.C.book and to deposit Rs.75,000/- before the concerned Court in Crime No.22 of 2022.

2.The petitioner claims to be the owner of the Tractor bearing Registration No.TN-76-F-0266. On 21.01.2022, the respondent police intercepted the Tractor bearing Registration No.TN-76-F-0266 along with unnumbered trailer 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.22 of 2022 for the offence under Section 379 of IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957.

3.It is not in dispute that the petitioner has approached the learned Principal District and Sessions Judge, Virudhunagar District at



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Srivilliputhur, for returning of vehicle in Cr.M.P.No.152 of 2022 and the learned Principal District and Sessions Judge, vide order dated 22.06.2022, has allowed the petition with certain conditions that the petitioner shall surrender the original R.C. book and deposit Rs.75,000/- before the concerned Court in Crime No.22 of 2022. 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 original R.C. book is with the Kaleeswari Finance and that he is not in a position to produce the original R.C. book. He would further submit that the petitioner is ready to produce the certified copy of R.C. book and also file an affidavit that he will produce the original R.C. book after clearing the dues of the finance company.

6.The learned counsel for the petitioner would further 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.

7.The main grievance of the petitioner is that the conditions imposed by the learned Principal District and Sessions Judge in directing the petitioner to surrender the original R.C. book and deposit a sum of Rs.75,000/-, is onerous and that the value of the vehicle will be deteriorated due to the exposure to sun and rain.

8.Considering the above facts and circumstances of the case and also the fact that the condition imposed by the learned Principal District and Sessions Judge, is not onerous, this Court is not inclined to modify the condition with respect to deposit. But at the same time, considering the submission made by the learned counsel for the petitioner, this Court is inclined to modify the condition with regard to surrendering of original R.C book and that the petitioner can be directed to produce the certified copy of R.C. book and to file an affidavit as stated by the petitioner's counsel.

9.In the result, this Criminal Revision Petition is partly allowed.

The order of the learned Principal District and Sessions Judge,



Virudhunagar District at Srivilliputhur, made in Cr.M.P.No.1515 of 2022, dated 22.06.2022 is modified in respect of the condition No.i alone and it is modified to the effect that the petitioner shall produce a certified copy of the R.C. book and also file an affidavit of undertaking to surrender the original R.C. book after settling the loan due to the Finance Company. In respect of other conditions, the order of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, shall remain unaltered.

18.07.2022

Index : Yes/No
Internet : Yes/No
sjj

To:-

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



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K.MURALI SHANKAR, J .

sjj

ORDER MADE IN
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