



Crl.R.C.(MD) No.714 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.714 of 2022

Pasumpon

... Petitioner/Petitioner

Vs.

**The State rep.by
The Sub-Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.
(Crime No.21 of 2022)**

... Respondent/Complainant

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the impugned condition no.(i), made in the impugned order, dated 14.06.2022 in Crl.M.P.No.750 of 2022 on the file of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputrur and consequently, to return the petitioner's vehicle, namely Tipper Lorry, bearing registration No. TN-72-AD-6988 to the petitioner forthwith.

For Petitioner : Mr.M.S.Jeyakarthik,

**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 Srivilliputrur, made in Crl.M.P.No.750 of 2022, dated 14.06.2022.

2. The petitioner claims to be the owner of the tipper lorry bearing Registration No.TN-72-AD-6988. On 02.02.2019, the respondent police intercepted the tipper lorry bearing Registration No.TN-72-AD-6988, as the same was used for transporting of illegal sand without any valid license or permit and registered a case in Crime No.21 of 2022 for the offence under Section 379 IPC and 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 Srivilliputrur, for returning of tipper lorry in Crl.M.P.No.750 of 2022 and the learned Principal District and Sessions Judge, vide order dated 14.06.2022, has allowed the petition with certain conditions that the petitioner shall



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surrender the original R.C.Book and also to deposit a sum of Rs.1,50,000/- before the said Court in Crime No.21 of 2022 of Thiruchuli Police Station and on compliance of the condition, the above vehicle which was remanded in P.R.No.18/2022 on the file of learned Principal District and Sessions Judge shall be returned to the petitioner on interim custody. Challenging the same, the above criminal revision came to be filed before this Court.

4. The learned counsel for the petitioner would submit that the petitioner's vehicle was never involved in any illegal activity and that the petitioner's family is depending upon the income deprived from the above said vehicle on rental basis. He would further submit that the petitioner has already produced the Registration Certificate before the Principal Sessions Court, Virudhunagar.

5. The learned Government Advocate (Criminal Side) appearing for the State has not raised any serious objections to allow this petition.

6. The main grievance of the petitioner is that the condition imposed by the learned Principal District and Sessions Judge, in directing the



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petitioner to surrender the original R.C.book and also deposit a sum of Rs.1,50,000/- before the said Court in Crime No. 21 of 2022 of the respondent police, is onerous and that the value of the vehicle will be deteriorated due to the exposure to sun and rain.

7. It is not in dispute that the petitioner has already produced the Registration Certificate before the Principal Sessions Court, Virudhunagar and the same is available with the Office of the said Court.

8. Considering the above facts and circumstances of the case and also the fact that the petitioner's vehicle was not involved in any other case, this Court is inclined to modify the condition.

9. In the result, this Criminal Revision Petition is allowed. The order of the learned Principal District and Sessions Judge, made in Cr.M.P.No.750 of 2022, dated 14.06.2022 is modified in respect of the condition No.1 alone and it is modified to the effect that the petitioner is directed to deposit a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) before the trial Court to the credit of Crime No.21 of 2022 of Thiruchuli Police Station and the



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petitioner is also directed to file an affidavit to the effect that he has already produced the original R.C.Book before the concerned Court. In respect of other conditions, the order of the learned Principal District and Sessions Judge, shall remain unaltered.

18.08.2022

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

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



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K.MURALI SHANKAR, J.

das

ORDER MADE IN
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