



Crl.R.C.(MD) No.754 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.754 of 2022

Rajaguru

... Petitioner

Vs.

**1.State through
The Inspector of Police,
Saptur Police Station,
Madurai.**

**2.Cholamandalam Investment &
Finance Co.Ltd,
46/1, Madurai Main Road,
Opp.Mepco Nursery School,
Thirumangalam Taluk,
Madurai District.**

... Respondents

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records in Crl.M.P.No.2760 of 2022, dated 24.06.2022 on the file of the Special District Court to deal with the cases of offences in Contravention of the Provisions of Mines & Mineral (D&R) Act, Madurai and set aside with regard to the condition No.VIII.



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For Petitioner : Mr.S.Balaji,
For Respondents : Mr.S.Manikandan,
Government Advocate (Crl. side), for R1.

ORDER

This Criminal Revision Petition is directed against the condition imposed by the learned Special District Judge, MMDR Court, Madurai District, in Cr.M.P.No.2760 of 2022, dated 24.06.2022.

2. The petitioner claims to be the owner of the Tipper Lorry bearing Registration No.TN-45-BB-6144. The respondent Police intercepted the vehicle viz., Tipper Lorry bearing Registration No.TN-45-BB-6144 and seized the vehicle as the same was used for transporting of illegal sand without valid license or permit and registered a case in Crime No.46 of 2022 of the offence under Section 379 IPC and Section 4(1),(1A), and 21(1) Mines and Minerals (Development & Regulation) Act, 1957.

3. It is not in dispute that the petitioner has approached the learned Special District Judge, MMDR Court, Madurai District, for returning of vehicle



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in Cr.M.P.No.2760 of 2022 and the learned Special Judge, vide order dated 24.06.2022, has allowed the petition with certain conditions that the petitioner shall deposit a cash surety for a sum of Rs.1,00,000/- before the learned District Munsif-cum-Judicial Magistrate, Peraiyur to the credit of this case and also execute a bond for a sum of Rs.1,00,000/- along with two sureties, for a like sum to the satisfaction of the learned District Munsif-cum-Judicial Magistrate, Peraiyur. Challenging the same, the above Criminal Revision came to be filed.

4. The learned Government Advocate (Criminal Side) appearing for the State would submit that the petitioner is having one previous case and also the vehicle is also involved in one another case.

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 condition imposed by the learned Special District Judge, in directing the petitioner to deposit a cash



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surety for a sum of Rs.1,00,000/- before the learned District Munsif-cum-Judicial Magistrate, Peraiyur to the credit of this case, 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 taking note of the submission made by the learned counsel for the petitioner that the condition imposed by the learned Special District 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 Special District Judge, MMDR Court, Madurai District, in Cr.M.P.No.2760 of 2022, dated 24.06.2022, is modified to the effect that the petitioner shall deposit a cash surety for a sum of Rs.75,000/- (Rupees Seventy Five Thousand Only) before the learned District Munsif-cum-Judicial Magistrate, Peraiyur to the credit of this case and also execute a bond for a sum of Rs.1,00,000/- along with two sureties, for a like sum to the satisfaction of the concerned Court. In respect of other conditions, the order of the learned Special District Judge, MMDR Court, Madurai District, shall remain unaltered.

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Index : Yes/No



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Internet : Yes/No
das

To:-

- 1.The Special District Judge, MMDR Court,
Madurai District.
- 2.The Inspector of Police,
Saptur Police Station, Madurai.
- 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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