



Crl.R.C.(MD) No.723 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.723 of 2022

Selvarani

... Petitioner/Petitioner

Vs.

State through
The Inspector of Police,
Karampakudi Police Station,
Pudukottai District.
(Crime No.207 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 relating to the order passed by the learned Principal District and Sessions Judge, Pudukottai, in Crl.M.P.No.2545 of 2022 dated 20.07.2022 and set aside the same and allow this revision petition.

For Petitioner : Mr.R.Maheswaran
for Mr.M.Navinkumar

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



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ORDER

This Criminal Revision Petition is directed against the order passed by the learned Principal District and Sessions Judge, Pudukottai, in Crl.M.P.No.2545 of 2022 in Crime No.207 of 2022 dated 20.07.2022.

2. The petitioner claims to be the owner of Tractor bearing Registration No.TN-55-AZ-5069. On 16.06.2022, the respondent police intercepted the vehicle viz., Tractor bearing Registration No.TN-55-AZ-5069 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.207 of 2022 for the offences under Section 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act.

3. It is not in dispute that the petitioner has approached the learned Principal District and Sessions Judge, Pudukottai, for returning of the said vehicle in Crl.M.P.No.2545 of 2022 and the learned Principal District and Sessions Judge, vide order dated 20.07.2022, has allowed the petition with certain conditions that the petitioner under takes to remit a sum of Rs.40,000/- as non refundable amount



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to the Hospital Maintenance Fund-Government Medical College Hospital, Pudukottai, and also to produce the original R.C. Book before the Judicial Magistrate, Alangudi. Challenging the above said 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 vehicle in dispute was in the custody of the finance company, that the petitioner is not in a position to produce the original R.C. Book as directed by the Principal District and Sessions Judge and that therefore the condition No.3 may be modified.

6. The learned Government Advocate (Criminal Side) would submit that they are not having any objection for modifying the first condition and they are leaving it to the decision of this Court, but regarding the third condition, the petitioner has purposely suppressed the factum of pledging the vehicle in a finance company before the Principal District and Sessions Court and that after getting orders for returning of the vehicle, they have now come forward with the



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prayer to modify the condition regarding the surrender of the original R.C. Book of the vehicle.

7. As rightly contended by the learned Government Advocate (Criminal Side), the petitioner has nowhere whispered in the petition filed for returning of the vehicle that the vehicle was in the custody of the finance company and that now only the petitioner has taken a stand that the vehicle was in the custody of the finance company.

8. Considering the above facts and circumstances and also taking note of the fact that material aspect was suppressed before the concerned Court, this Court is not inclined to set aside or modify the third condition imposed, but at the same time, taking note of the model and value of the vehicle as stated by the learned Government Advocate (Criminal Side), this Court is inclined to modify the first condition.

9. In the result, this Criminal Revision Petition is partly allowed. The order of the learned Principal District and Sessions Judge, Pudukottai, made in CrI.M.P.No.2545 of 2022, dated 20.07.2022 is modified in respect of the



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condition No.1 alone and it is modified to the effect that the petitioner is directed to deposit a sum of **Rs.30,000/- (Rupees Thirty Thousand only)** as non refundable to the Hospital Maintenance Fund-Government Medical College Hospital, Pudukottai. In respect of other conditions, the order of the learned Principal District and Sessions Judge, Pudukottai, shall remain unaltered. The petitioner is at liberty to approach the Principal District and Sessions Court, Pudukottai, for seeking modification or relaxation with regard to the third condition.

23.08.2022

Index : Yes/No
Internet : Yes/No
csm

To:-

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



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K.MURALI SHANKAR, J.

esm

**ORDER MADE IN
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