



CrI.R.C.(MD) No.753 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CrI.R.C.(MD)No.753 of 2022

Jeyaraman

... Petitioner

Vs.

**The Inspector of Police,
Kadupatti Police Station,
Madurai District.
Crime No.76 of 2020.**

... Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to the order passed in Cr.M.P.No.3793 of 2022, dated 02.08.2022 on the file of the learned Special District Judge, MMDR Court, Madurai District and modify the onerous conditions.

For Petitioner : Mr.K.Muthurakkan,

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



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ORDER

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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.3793 of 2022, dated 02.08.2022.

2. The petitioner claims to be the owner of the Lorry bearing Registration No.TN-74-Q-5037. The respondent Police intercepted the vehicle viz., Lorry bearing Registration No.TN-74-Q-5037 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.76 of 2022 of the offence under Sections 379, 430 IPC and Section 21(5) 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 in Cr.M.P.No.3793 of 2022 and the learned Special Judge, vide order dated 02.08.2022, has allowed the petition with certain conditions that the petitioner shall deposit a cash surety for a sum of Rs.50,000/- before the learned Judicial Magistrate, Vadipatti to the credit of this case and also execute a bond for a sum



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of Rs.1,00,000/- along with two sureties, for a like sum to the satisfaction of the learned Judicial Magistrate, Vadipatti. Challenging the same, the above Criminal Revision came to be filed.

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 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 surety for a sum of Rs.50,000/- before the learned Judicial Magistrate, Vadipatti, is onerous and that the value of the vehicle will be deteriorated due to the exposure to sun and rain.



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7. Considering the above facts and circumstances of the case and also 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.3793 of 2022, dated 02.08.2022, is modified to the effect that the petitioner shall deposit a cash surety for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) before the learned Judicial Magistrate, Vadipatti 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
Internet : Yes/No
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To:-

- 1.The Special District Judge, MMDR Court,
Madurai
- 2.The Inspector of Police,
Kadupatti Police Station,
Madurai 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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26.08.2022