



***Crl.R.C.(MD) No.762 of 2022***

**WEB COPY** BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED : 12.08.2022**

**CORAM:**

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

**Crl.R.C.(MD)No.762 of 2022**

**Kathiravan**

**... Petitioner/Petitioner**

**Vs.**

State by  
The Inspector of Police,  
Lalapettai Police Station,  
Karur District.  
(Crime No.287 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 and set aside the order passed in Crl.M.P.No.1327 of 2022, dated 21.07.2022 on the file of the learned Principal District and Sessions Judge, Karur, in so far as the conditions imposed in paras No.(i) the petitioner is directed to surrender the original RC book and smart card and also to deposit a sum of Rs.1,00,000/- before this Court in Crime No.287 of 2022 of Lalapettai Police Station and compliance of the condition, the above vehicle which was remanded in R.P.No.79 of 2022 of Judicial Magistrate No.I,



***Crl.R.C.(MD) No.762 of 2022***

Kulithalai shall be returned to the petitioner on interim custody (ii) further, the petitioner shall execute a bond for a sum of Rs.8,00,000/- with three sureties like such sum to the satisfaction of the Judicial Magistrate No.1, Kulithalai. One surety shall be the blood relative of the petitioner and other conditions and modify the same.

For Petitioner : Mr.R.Mathiyalagan,

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

### **ORDER**

This Criminal Revision Petition is directed against the condition Nos.(i) and (ii) imposed by the learned Principal District and Sessions Judge, Karur, in the order passed in Crl.M.P.No.1327 of 2022 dated 21.07.2022.

2. The petitioner claims to be the owner of Bolero City PIK UP bearing Registration No.TN-47-BU-2855. On 20.06.2022, the respondent police intercepted the vehicle viz., Bolero City PIK UP bearing Registration No.TN-47-BU-2855 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.287 of 2022 for the offences under Section 379 of IPC r/w 21(1) of Mines and Minerals (Development and Regulation) Act, 1957.



***Crl.R.C.(MD) No.762 of 2022***

WEB COPY

3. It is not in dispute that the petitioner has approached the learned Principal District and Sessions Judge, Karur, for returning of the said vehicle in Crl.M.P.No.1327 of 2022 and the learned Principal District and Sessions Judge, vide order dated 21.07.2022, has allowed the petition with certain conditions that the petitioner shall deposit a sum of Rs.1,00,000/- before the Court in Crime No.287 of 2022 and also execute a bond for a sum of Rs.8,00,000/- with three sureties like such sum to the satisfaction of the Judicial Magistrate No.1, Kulithalai, in which, one surety shall be the blood relative of the petitioner. 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 Government Advocate (Criminal Side) would submit that the petitioner is not having any previous cases for similar offence and that the said vehicle was not involved in any other previous case.



***Crl.R.C.(MD) No.762 of 2022***

WEB COPY

6. 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.

7. The main grievances of the petitioner is that the conditions imposed by the learned Principal District and Sessions Judge in directing the petitioner to deposit a sum of Rs.1,00,000/- and to execute a bond for a sum of Rs.8,00,000/- with three sureties are 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 petitioner's vehicle was not involved in any other case and also taking note of the submission made by the learned counsel for the petitioner that the condition Nos.(i) and (ii) imposed by the learned Principal District and Sessions Judge are onerous, this Court is inclined to modify the conditions.



*Crl.R.C.(MD) No.762 of 2022*

WEB COPY

9. In the result, this Criminal Revision Petition is allowed. The order of the learned Principal District and Sessions Judge, Karur, made in Crl.M.P.No.1327 of 2022, dated 21.07.2022 is modified in respect of the condition Nos.(i) and (ii) alone and it is modified to the effect that the petitioner is directed to surrender the original R.C. Book and smart card and also to deposit a sum of **Rs.50,000/- (Rupees Fifty Thousand only)** before the learned Principal District and Sessions Court, Karur, in Crime No.287 of 2022 of Lalapettai Police Station and on compliance of the condition, the above vehicle which was remanded in R.P.No.79 of 2022 of the learned Judicial Magistrate No.1, Kulithalai, shall be returned to the petitioner on interim custody on executing a bond for a sum of **Rs.2,50,000/- (Rupees Two Lakhs and Fifty Thousand only)** with three sureties like such sum to the satisfaction of the learned Judicial Magistrate No.1, Kulithalai. One surety shall be the blood relative of the petitioner. In respect of other conditions, the order of the learned Principal District and Sessions Judge, Karur, shall remain unaltered.

**12.08.2022**

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***Crl.R.C.(MD) No.762 of 2022***

**K.MURALI SHANKAR, J.**

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To:-

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

**ORDER MADE IN  
Crl.R.C.(MD)No.762 of 2022**

**12.08.2022**