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Crl.R.C.(MD)No.771 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2022

CORAM:

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

Crl.R.C.(MD)No.771 of 2022

Marimuthu

... Petitioner/Petitioner

Vs.

State Rep. by
The Sub-Inspector of Police,
Nagudi Police Station,
Pudukkottai District.
Crime No.120 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 dated 11.07.2022 in Crl.M.P.No.2419 of 2022 on the file of the learned Principal Sessions Judge, Pudukkottai and set aside the same insofar as the conditional order in Serial Nos.1 and 3 “1.The petitioner undertakes to remit a sum of Rs.40,000/- (Rupees Forty Thousand Only) as non-refundable amount to the following account of the Hospital Maintenance Fund-Government Medical College Hospital, Pudukkottai. State Bank of India A/c No.10909709432 Branch Code:902, IFSC Code: SBIN0000902 CIF No.80731554225 and 3.The petitioner is directed to produce the original R.C.book before the Judicial Magistrate, Aranthangi” and consequently, direct the learned Judicial Magistrate, Aranthangi to return the vehicle bearing Regn.No.TN-55-AY-5064 to the petitioner herein.



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For Petitioner : Mr.M.Suresh
For Respondent : Mr.S.Manikandan
Government Advocate (Crl. side)

ORDER

This Criminal Revision Petition is directed against the condition Nos.1 and 3 imposed by the learned Principal Sessions Judge, Pudukkottai in the order passed in Crl.M.P.No.2419 of 2022, dated 11.07.2022 and to direct the learned Judicial Magistrate, Aranthangi to return the vehicle bearing Regn.No.TN-55-AY-5064 to the petitioner herein.

2.The petitioner claims to be the owner of the Tractor with Trailer bearing Registration No.TN-55-AY-5064. The respondent police intercepted the said vehicles and seized the vehicles as the same were used for transporting of illegal sand without any valid license or permit and registered a case in Crime No.120 of 2022 for the offence under Section 379 of IPC r/w Sections 21(1) and 21(2) of Mines and Minerals (Development and Regulation) Act, 1957.



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3.It is not in dispute that the petitioner has approached the learned Principal Sessions Judge, Pudukkottai, for returning of vehicle in Crl.M.P.No.2419 of 2022 and the learned Principal Sessions Judge, Pudukkottai, vide order dated 11.07.2022, has allowed the petition with certain conditions that the petitioner undertakes to remit a sum of Rs.40,000/- (Rupees Forty Thousand Only) as non-refundable amount to the following account of the Hospital Maintenance Fund-Government Medical College Hospital, Pudukkottai. State Bank of India A/c No.10909709432 Branch Code:902, IFSC Code: SBIN0000902 CIF No.80731554225 and further, the petitioner shall produce the original R.C.book before the Judicial Magistrate, Aranthangi. Challenging the same, 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 original R.C. book is with the finance company and that he is not in a position to produce the original R.C. book. He would further submit that the petitioner is ready to produce the certified copy of R.C. book and also



file an affidavit that he will produce the original R.C. book after receiving the same from the finance company.

6.The learned counsel for the petitioner would further 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.

7.The main grievance of the petitioner is that the conditions imposed by the learned Principal Sessions Judge, Pudukkottai in directing the petitioner to surrender the original R.C. book and deposit a sum of Rs.40,000/-as non-refundable deposit, 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 taking note of the facts that the petitioner is not having any previous case and that the vehicle is not involved in any other previous case, this Court is inclined to modify the conditions.



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9.In the result, this Criminal Revision Petition is allowed. The order of the learned Principal Sessions Judge, Pudukkottai, made in Cr.M.P.No.2419 of 2022, dated 11.07.2022 is modified in respect of the condition Nos.1 and 3 alone and it is modified to the effect that the petitioner undertakes to remit a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) as non-refundable amount to the following account of the Hospital Maintenance Fund-Government Medical College Hospital, Pudukkottai. State Bank of India A/c No.10909709432 Branch Code: 902, IFSC Code: SBIN0000902 CIF No.80731554225 and further, the petitioner shall produce the certified copy of the R.C. book before the learned Judicial Magistrate, Aranthangi and also file an affidavit of undertaking to surrender the original R.C. book after receiving the same from thereafter Finance Company and on compliance of the conditions, the above vehicle, which was remanded, shall be returned to the petitioner on interim custody. In respect of other conditions, the order of the learned Principal Sessions Judge, Pudukkottai, shall remain unaltered.

16.08.2022

Index : Yes/No
Internet : Yes/No



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K.MURALI SHANKAR, J .

sjj

To:-

- 1.The Principal Sessions Judge, Pudukkottai.
- 2.The Judicial Magistrate, Aranthangi.
- 3.The Sub-Inspector of Police,
Nagudi Police Station,
Pudukkottai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN
Crl.R.C.(MD)No.771 of 2022

16.08.2022