



Crl.R.C.(MD)No.780 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.08.2022

CORAM:

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

Crl.R.C.(MD)No.780 of 2022

Karthick @ Ilayaraja

... Petitioner/3rd Party

Vs.

1.Muthukumar

2.Kaleeswaran

...Respondents/A1 & A2

3.The State through
The Inspector of Police,
Kalyarkovil Police Station,
Sivagangai District.
Crime No.133 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 second condition imposed in the impugned order, dated 27.07.2022 in Cr.M.P.No.3074 of 2022 on the file of the learned Principal Sessions Judge, Sivagangai in Crime No.133 of 2022.

For Petitioner : Mr.V.Kannan

For R3 : Mr.S.Manikandan
Government Advocate (Crl. side)



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ORDER

This Criminal Revision Case has been filed seeking modification of the condition imposed by the learned Principal Sessions Judge, Sivagangai in the order passed in Cr.M.P.No.3074 of 2022, dated 27.07.2022, directing the petitioner to deposit a sum of Rs.1,50,000/- before the Judicial Magistrate No.I, Sivagangai in Crime No.133 of 2022 within a period of three weeks from the date of receipt of a copy of that order.

2.The petitioner claims to be the owner of the Tractor bearing Registration No.TN-45-H-1152. On 15.05.2022, the respondent police intercepted the said vehicle 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.133 of 2022 for the offence under Section 379 of IPC and Section 21(4) 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, Sivagangai, for returning of vehicle in Cr.M.P.No.3074 of 2022 and the learned Principal Sessions Judge, Sivagangai, vide order dated 27.07.2022, has allowed the petition with certain conditions that the petitioner undertakes to deposit a sum of Rs.1,50,000/- before the Judicial Magistrate No.I, Sivagangai in Crime No.133 of 2022 within a period of three weeks from the date of receipt of a copy of that order. 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 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 learned Government Advocate (Crl. side) would submit that the vehicle was involved in another previous case in Crime No.43 of 2021 on the file of the Thiruvegampathur Police Station, Sivagangai.

7.The main grievance of the petitioner is that the condition imposed by the learned Principal Sessions Judge, Sivagangai in directing the petitioner to to deposit a sum of Rs.1,50,000/-, is 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 condition imposed by the learned Principal Sessions Judge, Sivagangai, is onerous, this Court is inclined to modify the condition

9.In the result, this Criminal Revision Petition is allowed. The order of the learned Principal Sessions Judge, Sivagangai, made in Cr.M.P.No.3074 of 2022, dated 27.07.2022 is modified in respect of the condition No.2 and it is modified to the effect that the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh Only) before the



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Judicial Magistrate No.I, Sivagangai in Crime No.133 of 2022, within a period of three weeks from the date of receipt of a copy of this order. In respect of other conditions, the order of the learned Principal Sessions Judge, Sivagangai, shall remain unaltered.

22.08.2022

Index : Yes/No
Internet : Yes/No
sjj

To:-

- 1.The Principal Sessions Judge, Sivagangai.
- 2.The Judicial Magistrate No.I, Sivagangai.
- 3.The Inspector of Police,
Kalyarkovil Police Station,
Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J .

sjj

ORDER MADE IN
CrI.R.C.(MD)No.780 of 2022

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