



Crl.R.C.(MD) No.787 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.08.2022

CORAM:

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

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Dinesh

... Petitioner/Petitioner

Vs.

The State,
Represented by the Inspector of Police,
Thogaimalai Police Station,
Karur District,
Crime No.264 of 2022

... Respondent

Prayer : This Criminal Revision has been filed under Section 397 and 401 of Criminal Procedure Code, to call for the records pertaining to the order passed in Cr.M.P.No.1399 of 2022, dated 08.08.2022 on the file of the learned Principal District and Sessions Judge, Karur and modify the condition imposed and directed to release the petitioner's vehicle bearing Registration No.TN-31-AR-2713.

For Petitioner : Mr.T.Palanisamy
For Respondent : Mr.S.Manikandan
Government Advocate (Crl. side)

ORDER

This Criminal Revision Petition is directed against the order passed by the learned Principal District and Sessions Judge, Karur, in Cr.M.P.No.1399 of 2022, dated 08.08.2022.



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2.The petitioner claims to be the owner of the Tipper Lorry bearing Registration No.TN-31-AR-2713. The respondent police intercepted the Tipper Lorry bearing Registration No.TN-31-AR-2713 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.264 of 2022 for the offence under Section 379 IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957.

3.It is not in dispute that the petitioner has approached the learned Principal District and Sessions Judge, Karur, for returning of Tipper Lorry in Cr.M.P.No. 1399 of 2022 and the learned Principal District and Sessions Judge, vide order dated 08.08.2022, has allowed the petition with certain conditions that the petitioner shall surrender the original R.C. book and smart card and also deposit a sum of Rs.1,50,000/- before this Court in Crime No.264 of 2020 of Thogaimalai Police Station and compliance of the condition, the above vehicle which was remanded in R.P.No.85 of 2022 of Judicial Magistrate No.I, Kulithalai shall be returned to the petitioner on interim custody. Challenging the same, the above criminal revision came to be filed before this Court.



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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 Principal District and Sessions Judge in directing the petitioner 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.

7. Considering the above facts and circumstances of the case and also taking note of the submission of the learned counsel for the petitioner and also the fact that the condition imposed by the learned Principal District and Sessions Judge is onerous, this Court is inclined to modify the conditions.

8. In the result, this Criminal Revision Petition is partly allowed. The order



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of the learned Principal District and Sessions Judge, Karur, made in Cr.M.P.No.1399 of 2022, dated 08.08.2022, is modified in respect of the condition No.1 alone and it is modified to the effect that the petitioner shall surrender the original R.C. book and smart card and also deposit a sum of Rs.75,000/- before this Court in Crime No.264 of 2020 of Thogaimalai Police Station and on such compliance, the above vehicle which was remanded in R.P.No.85 of 2022 of Judicial Magistrate No.I, Kulithalai shall be returned to the petitioner on interim custody. In respect of other conditions, the order of the learned Principal District and Sessions Judge, Karur, shall remain unaltered.

29.08.2022

Index : Yes/No
Internet : Yes/No
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To:-

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



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K.MURALI SHANKAR, J.

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ORDER MADE IN
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