



Crl.R.C.(MD) No.806 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.806 of 2022

Ponnusamy

... Petitioner/Petitioner

Vs.

**The Inspector of Police,
Thogaimalai Police Station,
Karur District.**

... 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.1466 of 2022, dated 10.08.2022 on the file of the Principal District and Sessions Judge, Karur in Crime No.200 of 2022 on the file of the respondent police and set aside the same insofar as it relates to imposition of onerous condition No.1 deposit a sum of Rs.1,00,000/- before the learned Principal District and Sessions Judge, Karur in Crime No.200 of 2022 of Thogaimalai Police Station and get vehicle release.

For Petitioner : Mr.T.Sugadev

for Mr.M.Karunanithi

For Respondent : 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 District and Sessions Judge, Karur in the order passed in Cr.M.P.No.1466 of 2022, dated 10.08.2022, directing the petitioner to deposit a sum of Rs.1,00,000/- before the Judicial Magistrate No.I, Sivagangai in Crime No.200 of 2022.

2.The petitioner claims to be the owner of the Tractor bearing Registration No.TN-23-CB-6717. The respondent police intercepted the Tractor bearing Registration No.TN-23-CB-6717 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.200 of 2022 for the offence under Sections 379 IPC r/w 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 Tractor in Cr.M.P.No.1466 of 2022 and the learned Principal Sessions Judge, vide order dated 10.08.2022, has



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allowed the petition with certain conditions that the petitioner shall surrender the original R.C. Book and smart card and also to deposit a sum of Rs.1,00,000/- before this Court in Crime No.200 of 2022 of Thogamalai Police Station and compliance of the condition, the above vehicle which was remanded in R.P.No.61 of 2022 of Judicial Magistrate No.I, Kulithalai shall be returned to the petitioner on interim custody and the petitioner is directed to transfer his name in the original R.C. Book within 15 days from the date 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.



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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.1,00,000/-, 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 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 condition.

8.In the result, this Criminal Revision Petition is partly allowed. The order of the learned Principal District and Sessions Judge, Karur, made in Cr.M.P.No.1466 of 2022, dated 10.08.2022, 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 to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) in Crime No.200 of 2022 on the file of the learned Principal District and Sessions Judge, Karur and on compliance such condition, the above vehicle which was remanded in R.P.No.61 of 2022 on the



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file of the learned Judicial Magistrate No.I, Kulithalai shall be returned to the petitioner on interim custody and the petitioner is directed to transfer his name in the original R.C. Book within a period of 15 days from the date of receipt of a copy of this order. In respect of other conditions, the order of the learned Principal District and Sessions Judge, Karur, shall remain unaltered.

25.08.2022

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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