

Crl.R.C.(MD) No.885 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.09.2022

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.R.C.(MD)No.885 of 2022

M.Selvamani

... Petitioner/Petitioner

Vs.

The State Rep. by
The Sub Inspector of Police,
Natham Police Station,
Crime No.234 of 2022
U/s.379 of IPC

... Respondent/Complainant

Prayer : This Criminal Revision has been filed under Section 397 and 401 of Criminal Procedure Code, to call for the records in Crl.MP.No.922 of 2022 at 05.08.2022 on the file of the learned Judicial Magistrate, Natham and set aside the same by allowing the Criminal Revision Petition and to pass order to release the petitioner's Vehicle bearing Registration No.TN-57-BE-9096.

For Petitioner : Mr.N.S.Karthikeyan

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

ORDER

This Criminal Revision Petition is directed against the order passed by the learned Judicial Magistrate, Natham, in Crl.MP.No.922 of 2022, dated 05.08.2022.

2.This Revision is preferred against the order that has been passed by the Trial Court in Cr.M.P.No.922 of 2022. The petition was filed by the petitioner, who was arrayed as an accused in Crime No.234 of 2022 for the offence under Section 379 of IPC. Noting that the illegal sand mining offence is also involved in the above said occurrence, the Trial Court has dismissed the petition observing that it has no jurisdiction to entertain the petition.

3.But, however, the respondent Police is present before this Court and submitted that doubting genuineness of the trip sheet, query has been raised by him to the Mines and Minerals Department, Dindigul, whether the above said trip sheet was issued by the concerned department. Reply is awaited. Depending upon the reply, further investigation will be undertaken.

4.In view of the above submission, depending upon the outcome of the investigation, further action can be taken. So, pending of the investigation, if the vehicle is allowed to kept over in the custody of the police or in the concerned Court, there is every likelihood of continuous damage to the vehicle. So on that ground, this Court is inclined to allow this revision.

5.Accordingly, this Criminal Revision Case is allowed and the order passed by the learned Judicial Magistrate, Natham, in Crl.MP.No.922 of 2022, dated 05.08.2022, is hereby set aside and the petitioner shall execute a personal bond for a sum of **Rs.1,00,000/- (Rupees One Lakh only)** with two sureties each for a like sum to the satisfaction of the Judicial Magistrate, Natham, and depositing **Rs.50,000/- as cash deposit** to the credit of Crime No.234 of 2022 before the concerned Court. If the respondent police finds the vehicle involved in any other illegal activity in future, they are at liberty to move the Court at any time for cancellation.

15.09.2022

Index : Yes/No
Internet : Yes/No
dss

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G.ILANGO VAN, J.

dss

To:-

- 1.The Judicial Magistrate,
Natham.
- 2.The Sub Inspector of Police,
Natham Police Station.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER MADE IN
Crl.R.C.(MD)No.885 of 2022

15.09.2022