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Crl.R.C.(MD) No.981 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.10.2022

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.R.C.(MD)No.981 of 2022

Balakrishnan

... Petitioner

Vs.

**1. The Inspector of Police
Thiruppuvanam Police Station
Sivagangai District**

2.Periyarasu

...Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to the order passed in Cr.MP.No.3461/2022 dt.16/9/2022 on the file of the learned Principal Sessions Court, Sivagangai District and Modify the onerous condition that the petitioner shall deposit a sum of Rs.50,000./- before the District Munsif cum Judicial Magistrate Court, Thiruppuvanam in Crime No.109 of 2022 within a period of three weeks from the date of receipt of a copy of this order.

For Petitioner : Mr.K.Sivabalan

**For R-1 : Mr. K.Sanjai Gandhi
Government Advocate (Criminal Side)**



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ORDER

This petition has been filed to call for the records pertaining to the order passed in Cr.MP.No.3461 of 2022 dated 16.09.2022 on the file of the learned Principal Sessions Judge, Sivagangai District and modify the onerous condition directing the petitioner to deposit a sum of Rs.50,000/- before the District Munsif cum Judicial Magistrate Court, Thiruppuvanam in Crime No.109 of 2022, within a period of three weeks from the date of receipt of a copy of the order.

2.The petitioner claims to be the owner of the 207 light motor vehicle van bearing Reg. No. TN 43 B 1888 and he had purchased the same from the second respondent for valid consideration, however the transfer of ownership before the concerned transport officer is yet to be made. The petitioner submits that the first respondent police registered a case in Crime No.109 of 2022 for the offences under Sections 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act and confiscated the vehicle. Subsequently, the petitioner has approached the learned Principal Sessions Judge, Sivagangai by way of filing a petition in Crl.M.P.No.3461 of 2022 for release of the vehicle and the learned Principal Sessions Judge has allowed the



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petition filed by the petitioner by its order dated 16.09.2022, directing the petitioner to deposit a sum of Rs.50,000/- before the District Munsif cum Judicial Magistrate Court, Thiruppuvanam in Crime No.109 of 2022 within a period of three weeks from the date of receipt of a copy of the order. Challenging the said condition imposed by the Court below, the petitioner is before this Court with this criminal revision.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl.Side) and perused the materials available on record.

4.The only grievance of the petitioner is that the condition imposed by the learned Principal Sessions Judge, Sivagangai, to deposit a sum of Rs.50,000/- (Rupees Fifty thousand only) before the District Munsif cum Judicial Magistrate Court, Thiruppuvanam in Crime No.109 of 2022, within a period of three weeks from the date of receipt of a copy of the order is onerous.

5.Considering the grievance addressed by the learned counsel appearing on behalf of the petitioner with the relevant records, it would appear that the petitioner is a first offender. Further, the case is under investigation. In view of that, this Criminal Revision Case is partly allowed. The order of the learned



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Principal Sessions Judge, Sivagangai, made in Crl.M.P.No.3461 of 2022, dated

WEB COPY 16.09.2022 directing the petitioner to deposit a sum of Rs.50,000/- before the

District Munsif cum Judicial Magistrate Court, Thiruppuvanam in Crime No.

109 of 2022 within a period of three weeks from the date of receipt of a copy of

the order is modified to the effect that the petitioner shall deposit a sum of

Rs.20,000/-(Rupees Twenty thousand only) before the District Munsif cum

Judicial Magistrate Court, Thiruppuvanam in Crime No.109 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.

07.10.2022

Index : Yes/No

Internet : Yes/No

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To:-

- 1.The Principal Sessions Judge,
Sivagangai
2. The Inspector of Police
Thiruppuvanam Police Station
Sivagangai District
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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T.V.THAMILSELVI,J.

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