



Crl.R.C(MD)No.1011 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.10.2022

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.R.C(MD)No.1011 of 2022

M.Chellapandi

**... Revision Petitioner/Petitioner/
Owner of the vehicle/3rd Party**

Vs.

**State Through
The Inspector of Police,
Vachakarapatti Police Station,
Virudhunagar District.
Crime No.70 of 2022.**

...Respondent/Complainant

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records and modify the 1st condition of the order with respect to deposit a sum of Rs.1,50,000/- in Crl.MP.No.1516 of 2022 order dated 11.10.2022 passed by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur and allow the above Criminal Revision Petition.

For Petitioner : Mr.G.Mariyappan

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



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ORDER

This petition has been filed to quash the order passed in Crl.MP.No.1516 of 2022 order dated 11.10.2022, on the file of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur, and modify the condition No.1 imposed by the lower Court is onerous and arbitrary.

2.The petitioner claims to be the owner of the Tipper Lorry bearing Reg.No.TN-31-K-2162. On 30.04.2021, the respondent police intercepted the vehicle of the petitioner and seized the same on the allegation that it was used for carrying illegal gravel sand without any valid permit and registered a case in Crime No.70 of 2022 under Section 379 of IPC and Section 21(4) of Mines and Minerals (Development & Regulation) Act, 1957 and thereafter, the vehicle is in the custody of the respondent police. Subsequently, the petitioner approached the learned Principal District and sessions Judge, Virudhunagar District at Srivilliputtur, by filing a petition for release of the Tipper Lorry and the learned Judge allowed the petition filed by the petitioner in Cr.M.P.No. 1516 of 2022, dated 11.10.2022, by imposing the 1st condition to the effect that the petitioner shall deposit a sum of Rs.1,50,000/- to the credit



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of Crime No.70 of 2022, and the petitioner shall produce the receipt for the deposit of the same from the concerned Authority at the time of furnishing security before this Court. Challenging the above said 1st condition imposed by the trial Court, the petitioner is before this Court with this criminal revision.

3.The main grievance of the petitioner is that the vehicle was manufactured in the year 2005 and the 1st condition imposed by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur, is onerous.

4.Heard the learned counsel appearing on either side and perused the materials available on record.

5.Considering the facts and circumstances of the case and also considering the oldness of the vehicle, the order of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur, made in Crl.MP.No.1516 of 2022, dated 11.10.2022, is hereby modified in respect of the 1st condition alone and it is modified to the effect that the petitioner shall deposit a sum of **Rs.75,000/- (Rupees Seventy Five**



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Thousand Only) to the credit of the Crime No.70 of 2022, and the petitioner shall produce the receipt for the deposit of the same from the concerned Authority at the time of furnishing security before the Trial Court. In respect of other conditions, the order of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur, shall remain unaltered. The petitioner is directed to comply the conditional order strictly.

6.In the result, the Criminal Revision Case is allowed.

20.10.2022

Index : Yes/No

Internet : Yes/No

dss

To

- 1.The learned Principal District and Sessions Judge,
Virudhunagar District at Srivilliputtur,
- 2.The Inspector of Police,
Vachakarapatti Police Station,
Virudhunagar District.
- 3.The learned Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGOVA,J.

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