



Crl.R.C.(MD) No.1125 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2022

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.R.C.(MD)No.1125 of 2022

Sumathi

... Petitioner/Petitioner/
owner of the vehicle

Vs.

1.The State through,
The Inspector of Police,
Sakkottai Police Station,
Sivagangai District.

2.Sriram Transport Finance Company,
B 11 Colony Main Road,
Thillainagar 12th Cross,
Trichy-18

... Respondent/Respondent/
Complainant

Prayer : This Criminal Revision has been filed under Sections 397 and 401 of Criminal Procedure Code, to set aside the condition that “ the petitioner shall deposit a sum for Rs.1,00,000/-(Rupees One Lakhs only) before the Judicial Magistrate Court, Karaikudi in Crime No.139 of 2022 within a period of three weeks from the date of receipt of copy of this order” made in Crl.M.P.No.4609 of 2022 dated 27.10.2022 by the Principal Sessions Judge, Sivagangai and order



Crl.R.C.(MD) No.1125 of 2022

interim custody of the JCB bearing Registration No.TN-63-BZ-0013 with the petitioner as sought for, which is now under the custody of the first respondent in Crime No.139 of 2022 .

For Petitioner : Mr.D.Venkatesh
For Respondents : Mr.S.Manikandan
Government Advocate (Crl. Side)

ORDER

This Criminal Revision Petition is filed to set aside the condition that “ the petitioner shall deposit a sum for Rs.1,00,000/-(Rupees One Lakhs only) before the Judicial Magistrate Court, Karaikudi in Crime No.139 of 2022 within a period of three weeks from the date of receipt of copy of this order” made in Crl.M.P.No. 4609 of 2022 dated 27.10.2022 by the Principal Sessions Judge, Sivagangai.

2. The learned counsel for the revision petitioner submitted that the petitioner is the owner of the JCB, bearing Registration No.TN-63-BZ-0013. The said vehicle was used to upload building waste materials and the first respondent seized the vehicle on the allegation that the vehicle transported river sand without any valid permit. The respondent registered a case in Crime No.139 of 2022 under Section 379 of IPC and r/w. 21(4) of Mines and Minerals (Development and Regulation) Act, 1957. The petitioner claiming herself as the owner of the



CrI.R.C.(MD) No.1125 of 2022

vehicle filed a petition under Section 451 of Cr.P.C in CrI.M.P.No.4609 of 2022, before the Principal Sessions Judge, Sivagangai, for return of vehicle and the same was allowed on 27.10.2022, with certain conditions.

3.The learned Magistrate, while granting the order of return of vehicle, imposed the conditions upon the petitioner. One of the conditions (1) is that *'the petitioner shall deposit a sum of Rs.1,00,000/-(Rupees One Lakh only) before the Judicial Magistrate Court, Karaikudi in Crime No.139 of 2022 within a period of three weeks from the date of receipt of copy of this order.'*

4.The grievance of the learned counsel for the petitioner is that the petitioner's vehicle is not involved in the above said commission of offence. He would further submit that due to financial crisis and continuous lockdown, she lost her business. Hence, the petitioner is unable to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) before the Judicial Magistrate Court, Karaikudi in Crime No.139 of 2022. Therefore, this Court is to set aside the above said condition.

5.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

6.The main grievance of the petitioner is that the vehicle was manufactured in the year 2017 and that the condition imposed by the learned Principal Sessions



Crl.R.C.(MD) No.1125 of 2022

Judge, Sivagangai, in directing the petitioner to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) before the Judicial Magistrate Court, Karaikudi in Crime No.139 of 2022 within a period of three weeks from the date of receipt of copy of this order is onerous.

7.Considering the above facts and circumstances of the case and also considering the oldness of the vehicle, the order of the learned Principal Sessions Judge, Sivagangai, made in Crl.M.P.No.4609 of 2022, dated 27.10.2022 is modified in respect of the condition No.6(ii) alone and it is modified to the effect that the petitioner is directed to deposit a sum of Rs.50,000/-(Rupees Fifty Thousand only) before the Judicial Magistrate Court, Karaikudi in Crime No.139 of 2022 within a period of three weeks from the date of receipt of copy of this order. The other conditions shall remain unaltered.

In the result, the Criminal Revision Case is allowed.

21.11.2022

Index : Yes/No
Internet : Yes/No
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Crl.R.C.(MD) No.1125 of 2022

To:-

1. Judicial Magistrate Court,
Karaikudi.
2. Principal Sessions Judge,
Sivagangai.
3. The Inspector of Police,
Sakkottai Police Station,
Sivagangai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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Crl.R.C.(MD) No.1125 of 2022

G.ILANGOVA, J,

tta

ORDER MADE IN
Crl.R.C.(MD)No.1125 of 2022

21.11.2022