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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2022

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Crl.R.C.(MD)No.1127 of 2022

Backiyam ... 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
B11 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.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" made in Crl.M.P.No.4610 of 2022 dated 27.10.2022 by the Principal Sessions Judge, Sivagangai and order

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interim custody of the Tractor bearing Registration No.TN-63-CY-5315 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)

O R D E R

This Criminal Revision Petition is filed to set aside the condition that " the petitioner shall deposit a sum for 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" made in Crl.M.P.No. 4610 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 tractor, bearing Registration No.TN-63-CY-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

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(Development and Regulation) Act, 1957. The petitioner claiming herself as the owner of the vehicle filed a petition under Section 451 of Cr.P.C in Crl.M.P.No. 4610 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.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.”*

4.The grievance of the learned counsel for the petitioner is that the petitioner's vehicle has not involved in the above said commission of offence. He would further submit that due to financial crisis and continuos lockdown, she lost her business. Hence, the petitioner is unable to deposit a sum of Rs.50,000/-(Rupees Fifty Thousand only) before the Judicial Magistrate Court, Karaikudi in Crime No.139 of 2022. Therefore, this Court is to set aside the above said condition.

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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 2021 and that the condition imposed by the learned Principal Sessions Judge, Sivagangai, in directing the petitioner 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 is onerous.

7. On perusal of records shows that the vehicle was manufactured in the year 2021 and the vehicle transported river sand illegally. After hearing both side arguments and perusing the entire records, the learned Judicial Magistrate passed the above said condition that '*the petitioner shall 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."* which is reasonable and acceptable.

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8. In view of the above, this Court does not find any merits in the revision and does not find any illegality or infirmity in the order passed by the trial Court. Therefore, this revision is liable to be dismissed.

In the result, the Revision Petition is dismissed.

21.11.2022

Index : Yes/No
Internet : Yes/No
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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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G.ILANGOVAN, J,

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ORDER MADE IN
Crl.R.C.(MD)No.1127 of 2022

21.11.2022

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