



Crl.R.C(MD) No.1232 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.R.C(MD)No.1232 of 2022

Manikandan

... Revision Petitioner

Vs.

The Inspector of Police,
Kariyapatti Police Station,
Kariyapatti,
Virudhunagar District.

... Respondent

Prayer : This Criminal Revision has been filed under Sections 397 and 401 of Criminal Procedure Code, to call for the records of Cr.M.P.No.3933 of 2022 in dated 28.11.2022 passed by the learned Principle District and Sessions Judge, Virudhunagar District at Srivilliputhur and set aside the same in so far as condition (i).

For Petitioner : Mr.A.Balaji
For Respondent : Mr.R.Suresh Kumar
Government Advocate(Crl.side)



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ORDER

This Criminal Revision Petition is filed to call for the records and set aside the first condition imposed on the petitioner in Cr.M.P.No.3933 of 2022 dated 28.11.2022 on the file of the learned Principle District and Sessions Judge, Virudhunagar District at Srivilliputhur.

2. The learned counsel for the revision petitioner submitted that the petitioner is the owner of the Tipper Lorry, bearing Registration No.TN-67-BZ-0048. 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.66 of 2022 under Sections 379 of IPC and r/w. 21(5) of Mines and Minerals (Development and Regulation) Act, 1957. The petitioner claiming himself as the owner of the vehicle filed a petition under Section 451 of Cr.P.C in Cr.M.P.No. 3933 of 2022, before the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, for return of vehicle and the same was allowed on 28.11.2022, with certain conditions.



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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.1,50,000/-(Rupees One Lakh and fifty Thousand only) before the Judicial Magistrate Court, Virudhunagar in Crime No. 66/2022.....*' ”

4. On the earlier occasion, when the matter was taken up for hearing, the learned Government Advocate (Criminal Side) would submit that the petitioner's vehicle was involved in similar offence.

5. After hearing both side arguments on 13.12.2022, this Court directed the petitioner to file an undertaking affidavit stating that his vehicle will not indulge in such activities in future.

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



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7.The main grievance of the petitioner is that the vehicle was manufactured in the year 2013 and that the condition imposed by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, in directing the petitioner to deposit a sum of Rs.1,50,000/-(Rupees One Lakh and Fifty Thousand only) before the Judicial Magistrate Court No.II, Virudhunagar, in Crime No.66 of 2022, is onerous. As per the direction of this Court, the petitioner has filed an undertaking affidavit stating that his vehicle will not indulge in such activities in future.

8.Considering the above 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 Srivilliputhur, made in Cr.M.P.No. 3933 of 2022, dated 28.11.2022 is modified in respect of the condition No.(i) 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 No.II, Virudhunagar, in Crime No.66 of 2022 within a period of three weeks from the date of receipt of copy of this order. The other conditions shall remain unaltered.



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In the result, the Criminal Revision Case is allowed. If the respondent police finds the vehicle involved in any other illegal activity in future, the order granted by this Court, shall stand automatically cancelled without further reference to this Court and the vehicle may be seized.

15.12.2022

Index : Yes/No
Internet : Yes/No
tta

To:-

- 1.The Inspector of Police,
Kariyapatti Police Station,
Kariyapatti,
Virudhunagar District.
- 2.learned Principal District and Sessions Judge,
Virudhunagar District, Srivilliputhur.
3. Judicial Magistrate Court No.II,
Virudhunagar,



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G.ILANGO VAN,J

tta

ORDER MADE IN
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