



CrI.R.C.(MD).No.88 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

CrI.R.C.(MD).No.88 of 2023

Palanibose

... Petitioner

Vs.

**The State, Rep by its,
The Sub Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.**

... Respondent

PRAYER: This Civil Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to call for the records relating to the order of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur in Cr.M.P.No.4390 of 2022 dated 23.12.2022 in Crime No. 368 of 2021 on the file of the Sub Inspector of Police, Thiruthangal Police Station, Virudhunagar District filed by the petitioner under Section 451 of Cr.P.C and set aside the same as illegal with respect to condition No.(i) by allowing the above Criminal Revision Petition.

For Petitioner : Mr.M.Jegadeesh Pandian
For Respondents : Mr.R.Suresh Kumar
Government Advocate (Crl. Side)



Crl.R.C.(MD).No.88 of 2023

WEB COPY

ORDER

This Criminal Revision Petition is filed to call for the records relating to the order of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur in Cr.M.P.No.4390 of 2022 dated 23.12.2022 in Crime No.368 of 2021 on the file of the Sub Inspector of Police, Thiruthangal Police Station, Virudhunagar District filed by the petitioner under Section 451 of Cr.P.C and set aside the same as illegal with respect to condition No.(i).

2. The learned counsel for the revision petitioner submitted that the petitioner is the owner of the Tipper Lorry, bearing Registration No.TN-72-AL-4907. The said vehicle was used to transport building waste materials. 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.368 of 2021 under Sections 379 of IPC and r/w. 21(1) 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.4390 of 2022, before the learned Principal District and Sessions Judge, Virudhunagar District at



Crl.R.C.(MD).No.88 of 2023

Srivilliputhur, for return of vehicle and the same was allowed on 23.12.2022, with certain conditions.

3.The learned Judge, while granting the order of return of vehicle, imposed the conditions upon the petitioner. One of the conditions (1) is that '*..... deposit a sum of Rs.2,00,000/-(Rupees Two Lakhs only) before the Judicial Magistrate No.II, Sivakasi in Crime No.368 of 2021.....*' ”

4. On the earlier occasion, the petitioner filed Crl.R.C(MD).No.1154 of 2022. At the time of arguments, the learned Government Advocate (Criminal Side) would submit that the petitioner's vehicle was involved in similar offence. Thereafter, this Court directed the petitioner to file an undertaking affidavit stating that his vehicle will not indulge in such activities in future and the petitioner also filed an undertaking affidavit before this Court. On 01.12.2022, this Court allowed Crl.R.C(MD).No.1154 of 2022.

5. The learned counsel for the petitioner submitted that after allowing Crl.R.C(MD).No.1154 of 2022, no fresh case has been registered against the petitioner's vehicle and the present crime is of the year 2021 and the vehicle



Crl.R.C.(MD).No.88 of 2023

was seized on 04.08.2021.

WEB COPY

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

7.The main grievance of the petitioner is that the vehicle was manufactured in the year 2008 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.2,00,000/- (Rupees two lakhs only) before the Judicial Magistrate Court No.II, Sivakasi, in Crime No.368 of 2021, is onerous.

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.4390 of 2022, dated 23.12.2022 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, Sivakasi, in Crime No.368 of



Crl.R.C.(MD).No.88 of 2023

2021 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.

24.01.2023

Index : Yes / No
Internet : Yes / No
tta

To,

1. The Sub Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.

2.Principal District and Sessions Judge, Virudhunagar District at
Srivilliputhur.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



Crl.R.C.(MD).No.88 of 2023

G.ILANGO VAN,J.

tta

Crl.R.C.(MD).No.88 of 2023

24.01.2023