



***CrI.R.C.(MD) No.116 of 2023***

**WEB COPY** BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED : 13.03.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR**

**CrI.R.C.(MD)No.116 of 2023**

**Pandian**

**... Petitioner/Petitioner/  
Petitioner/Accused - 1**

**Vs.**

**State through  
The Sub Collector  
Sub Collector Office,  
Sivakasi District.**

**...Respondent/Respondent/  
Complainant**

**Prayer :** This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to the impugner order passed in Cr.M.P.No.4 of 2023 dated 19.01.2023 by the Principal District and Sessions Judge, Virudhunagar District at Srivillipudur and to set aside the condition so far as the direction for deposit sum of Rs.2,00,000/- to the credit of case in Spl.C.C.No.3 of 2021 on the file of the respondent, dismissing the petition filed under Section 451 of Cr.P.C. for returning of the vehicle within the time period stipulated by this Court.



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***CrI.R.C.(MD) No.116 of 2023***

For Petitioner : Mr.Sivakumar Rajappan  
For Respondent : Mr.R.Meenakshi Sundaram,  
Additional Public Prosecutor

**ORDER**

This Criminal Revision Petition is directed against the condition No.(i) imposed by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur, in the order passed in Cr.M.P.No.4 of 2023 in Spl.C.C.No.3 of 2021 dated 19.01.2023.

2. The petitioner claims to be the owner of Ashok Leyland Lorry bearing Registration No.TN-47-Q-4762. On 26.01.2021, the respondent intercepted the vehicle viz., Ashok Leyland Lorry bearing Registration No. TN-47-Q-4762 and seized the vehicle as the same was used for transporting of sand illegally without any valid license or permit and filed a private complaint under Section 190(1) r/w 200 Cr.P.C. in Spl.C.C.No.3 of 2021 for the offences under Sections 4(1)(1A) and 21(1) of Mines and Minerals (Development and Regulation) Act, 1957.

3. It is not in dispute that the petitioner has approached the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur, for



***Crl.R.C.(MD) No.116 of 2023***

returning of the said vehicle in Cr.M.P.No.4 of 2023 and the learned Principal District and Sessions Judge, vide order dated 19.01.2023, has allowed the petition with certain condition that the petitioner shall surrender the original R.C. Book and also to deposit a sum of Rs.2,00,000/- before the Court in Spl.C.C.No.3 of 2021 and on compliance of the condition, the above vehicle bearing Reg.No. TN-47-Q-4762, which was remanded in P.R.No.99 of 2021 of the Court shall be returned to the petitioner on interim custody. Challenging the above said condition, the above Criminal Revision came to be filed before this Court.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

5. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is not having any previous cases for similar offence and that the said vehicle was not involved in any other previous case.

6. The learned counsel appearing for the petitioner would submit that the petitioner's vehicle was never involved in any illegal activity and the respondent



***Crl.R.C.(MD) No.116 of 2023***

police without verifying the same has foisted the above false case. He would further submit that the petitioner's family is depending upon the income deprived from the above said vehicle.

7. The main grievances of the petitioner is that the conditions imposed by the learned Principal District and Sessions Judge in directing the petitioner to deposit a sum of Rs.2,00,000/- and also to execute a bond for the value of the vehicle are onerous and that the value of the vehicle will be deteriorated due to the exposure to sun and rain.

8. Considering the above facts and circumstances of the case and also the fact that the petitioner's vehicle was not involved in any other case and also taking note of the submission made by the learned counsel appearing for the petitioner that the condition Nos.(i) and (ii) imposed by the learned Principal District and Sessions Judge are onerous, this Court is inclined to modify the condition.

9. In the result, this Criminal Revision Petition is allowed. The order of the learned Principal District and Sessions Judge, Virudhunagar District at



***Crl.R.C.(MD) No.116 of 2023***

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Srivilliputtur, made in Cr.M.P.No.4 of 2023 in Spl.C.C.No.3 of 2021, dated 19.01.2023 is modified in respect of the condition Nos.(i) and (ii) alone and it is modified to the effect that the petitioner is directed to surrender the original R.C. Book before the Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur in Spl.C.C.No.3 of 2021 and also to deposit a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** as non-refundable for the vehicle to the credit of the District Mineral Foundation Trust, Virudhunagar District and on compliance of the condition, the above vehicle bearing Reg.No.TN-47-Q-4762 which was remanded in P.R.No.99 of 2021 shall be returned to the petitioner on interim custody on executing a bond for a sum of **Rs.2,00,000/- (Rupees Two Lakhs only)** with two sureties for a likesum to the satisfaction of the learned the Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur. In respect of other conditions, the order of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, shall remain unaltered.

**13.03.2023**

NCC : Yes/No  
Index : Yes/No  
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***Crl.R.C.(MD) No.116 of 2023***

**K.MURALI SHANKAR, J.**

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To:-

- 1.The Principal District and Sessions Judge,  
Virudhunagar District at Srivilliputhur.
- 2.The Sub Collector  
Sub Collector Office,  
Sivakasi District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

**ORDER MADE IN  
Crl.R.C.(MD)No.116 of 2023**

**13.03.2023**