



Crl.R.C.(MD) No.163 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2023

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

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V.Chandran

... Petitioner/Petitioner/
owner of the vehicle

Vs.

The State represented by,
The Inspector of Police,
Kattanoor Police Station,
Virudhunagar District.

... Respondent/Respondent/
Complainant

Prayer : This Criminal Revision has been filed under Sections 397 and 401 of Criminal Procedure Code, to call for the entire records pertaining to the order passed by learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur in Crl.M.P.No.228 of 2023 vide order dated 20.01.2023 and modify the condition imposed in Condition Nos.1 and 2.

For Petitioner : Mr.R.L.Dhilipanpandian

For Respondents : Mr.R.Suresh Kumar
Government Advocate (Crl. Side)



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ORDER

This Criminal Revision Petition is filed to call for the entire records pertaining to the order passed by learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur in Crl.M.P.No.228 of 2023 vide order dated 20.01.2023 and modify the condition imposed in Condition Nos.1 and 2.

2. The learned counsel for the revision petitioner submitted that the petitioner is the owner of Tarus Lorry, bearing Registration No.TN-64-D-3659. The said vehicle was used for his own use and respondent seized the vehicle on the allegation that the vehicle transported river sand without any valid permit and registered a case in Crime No.32 of 2022. The petitioner claiming himself as the owner of the vehicle filed a petition under Section 451 of Cr.P.C in Crl.M.P.No. 228 of 2023, before the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, for return of vehicle and the same was allowed on 20.01.2023, 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 '*the petitioner*



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shall deposit a sum of Rs.2,00,000/-(Rupees Two Lakhs only) before the learned Judicial Magistrate, Thiruchuli, in Crime No.32 of 2022 and the petitioner shall execute a bond for the value of the vehicle to the satisfaction of this Court ”

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 the petitioner had already deposited non-refundable deposit, at the time of granting bail, without even considering the same, the present order has been passed. Therefore, this Court is to set aside the above said conditions.

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 2012 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



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learned Judicial Magistrate, Thiruchuli, in Crime No.32 of 2022 and the petitioner shall execute a bond for the value of the vehicle to the satisfaction of this Court are 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 District and Sessions Judge, Virudhunagar District at Srivilliputhur, made in Crl.M.P.No. 228 of 2023, dated 20.01.2023 is modified in respect of the condition Nos.1 and 2 and it is modified to the effect that the petitioner is directed to deposit a sum of Rs.1,00,000/-(Rupees One Lakh only) before the learned Judicial Magistrate, Thiruchuli, in Crime No.32 of 2022 within a period of three weeks from the date of receipt of copy of this order and the petitioner shall execute a bond for a sum of Rs.1,00,000/-(Rupees one Lakh only) to the satisfaction of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur. The other conditions shall remain unaltered.

In the result, the Criminal Revision Case is allowed.

09.02.2023

Index : Yes/No



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Internet : Yes/No
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To:-

- 1.Principal District and Sessions Court,
Virudhunagar District at Srivilliputhur
2. The Inspector of Police,
Kattanoor Police Station,
Virudhunagar District.
- 3.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
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09.01.2023