



Crl.R.C(MD) No.239 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2023

CORAM:

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

Crl.R.C(MD)No.239 of 2023

Dhanalakshmi

... Revision Petitioner

Vs.

State Through
Inspector of police,
Vengamedu Police Station,
Karur.

... Respondent

Prayer : This Criminal Revision has been filed under Section 397 and 401 of Criminal Procedure Code, to call for the records pertaining to the order in Crl.M.P.No.545 of 2022 dated 16.03.2022 on the file of the Principal Sessions Judge, Karur and set aside the same.

For Petitioner : Mr.R.Murali
For Respondent : Mr.M.Sakthikumar
Government Advocate(Crl.side)



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ORDER

This Criminal Revision Petition is filed to call for the records pertaining to the order in Crl.M.P.No.545 of 2022 dated 16.03.2022 on the file of the Principal Sessions Judge, Karur and set aside the same.

2. The learned counsel for the revision petitioner submitted that the petitioner is the owner of the Tipper Lorry, bearing Registration No.TN-47-P-7795 and Tipper Lorry TN-11-M-1747. The said vehicle was seized by the respondent police and a case was registered in Crime No.628 of 2021 for the alleged offences under Section 21(4) of Mines and Minerals (Development and Regulation) Act 1957 and Section 379 of IPC. Thereafter, the petitioner claiming himself as the owner of the vehicle and filed a petition under Section 451 of Cr.P.C in Crl.M.P.No.545 of 2022, before the learned Principal Sessions Judge, Karur, for temporary return of the vehicle. That petition was allowed on 16.03.2022, with certain conditions.

3.The learned Judge, while granting the order of return of vehicle, imposed the conditions upon the petitioner. One of the condition is that "*the petitioner is*



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directed to surrender the Original R.C. Book and also to deposit a sum of Rs.1,00,000/-(Rupees One Lakh only) before this Court in Crime No.628 of 2021 of vengamedu Police Station and compliance of the condition.....".

4. The learned Government Advocate(Crl.Side) submitted that the vehicle is not involved in any other cases.

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 2014 and that the condition imposed by the learned Principal Sessions Judge, Karur, in directing the petitioner “..... to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only).....” is 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 Sessions Judge, Karur, made in Crl.M.P.No.545 of 2022, dated 16.03.2022 is modified in



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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 learned Principal Sessions Judge, Karur in Crime No.628 of 2021, within a period of two weeks from the date of receipt of a copy of this order. The other conditions shall remain unaltered.

In the result, the Criminal Revision Case is allowed.

28.02.2023

Index : Yes/No
Internet : Yes/No
tta

To:-

1. Inspector of police,
Vengamedu Police Station,
Karur.
2. Principal Sessions Judge,
Karur.



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G.ILANGOVAN,J

tta

**ORDER MADE IN
Crl.R.C.(MD)No.239 of 2023**

28.02.2023