



Crl.R.C.(MD) No.249 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.249 of 2023

Muthumariappan @ Muthumari

... Petitioner/Petitioner

Vs.

**The State represented by
The Inspector of Police,
Alangulam Police Station,
Virudhunagar District.
(Crime No.72 of 2022)**

...Respondent/Respondent

Prayer : This Criminal Revision has been filed under Section 397 and 401 of Criminal Procedure Code, to call for the records of the impugned order passed in Cr.M.P.No.4520 of 2022 dated 05.01.2023, on the file of Learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur and set aside the condition No.(i) of “The petitioner is directed to surrender the original R.C. Book and also to deposit a sum of Rs.2,00,000/- before the Judicial Magistrate No.II, Sattur in Crime No.72 of 2022 of Alangulam PS and on compliance of the condition, the above vehicle bearing Reg.No.TN 67 H 7702 shall be returned to the petitioner on interim custody” alone.



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Crl.R.C.(MD) No.249 of 2023

For Petitioner : Mr.M.P.Balamurugan
For Respondent : Mr.SS.Madhavan,
Government Advocate (Crl. side)

ORDER

This Criminal Revision Petition is directed against the condition No.(i) imposed by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, in the order passed in Cr.M.P.No.4520 of 2022 dated 05.01.2023.

2. The petitioner claims to be the owner of Tipper lorry bearing Registration No.TN-67-H-7702. On 23.06.2022, the respondent police intercepted the vehicle viz., Tipper lorry bearing Registration No.TN-67-H-7702 and seized the vehicle as the same was used for transporting of stones illegally without any valid license or permit and registered a case in Crime No.72 of 2022 for the offences under Section 379 IPC and Sections 4(1)(1A) and 21(1) of Mines and Minerals (Development and Regulation) Act, 1957.



Crl.R.C.(MD) No.249 of 2023

WEB COPY

3. It is not in dispute that the petitioner has approached the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, for returning of the said vehicle in Cr.M.P.No.4520 of 2022 and the learned Principal District and Sessions Judge, vide order dated 05.01.2023, 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 Judicial Magistrate No.II, Sattur in Cr.No.72 of 2022 of Alangulam PS and on compliance of the condition, the above vehicle bearing Reg.No.TN-67-H-7702 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 Government Advocate (Criminal Side) appearing for the respondent.

5. The learned Government Advocate (Criminal Side) 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.



Crl.R.C.(MD) No.249 of 2023

WEB COPY

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 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.



Crl.R.C.(MD) No.249 of 2023

WEB COPY

9. In the result, this Criminal Revision Petition is allowed. The order of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, made in Cr.M.P.No.4520 of 2022, dated 05.01.2023 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 Judicial Magistrate No.II, Sattur 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-67-H-7702 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 Judicial Magistrate No.II, Sattur. In respect of other conditions, the order of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, shall remain unaltered.

06.03.2023

NCC : Yes/No
Index : Yes/No
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Crl.R.C.(MD) No.249 of 2023

K.MURALI SHANKAR, J.

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To:-

- 1.The Principal District and Sessions Judge,
Virudhunagar District at Srivilliputhur.
- 2.The Inspector of Police,
Alangulam Police Station,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

**ORDER MADE IN
Crl.R.C.(MD)No.249 of 2023**

06.03.2023