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Crl.R.C.(MD) No.302 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.302 of 2023

Ramasamy

: Petitioner

Vs.

The Inspector of Police,
Thirumayam Police Station,
Pudukkottai District.
Crime No.25 of 2020.

: Respondent

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 order made in Crl.M.P.No.469 of 2023, dated 09.02.2023 on the file of the Principal District and Sessions Court, Pudukkottai and modify the condition Nos.1 and 3 and allow the revision petition.

For Petitioner : Mr.V.Vishnu

For Respondent : Mr.A.Albert James,
Government Advocate (Crl. side)

ORDER

This Criminal Revision Petition is directed against the conditions imposed by the learned Principal District and Sessions Court, Pudukkottai, made in Crl.M.P.No.469 of 2023, dated 09.02.2023.



2. The petitioner claims to be the owner of Cat Earth Mover bearing Registration No.TN-57-BB-7314. On 11.02.2020, the respondent police intercepted the vehicle viz., Cat Earth Mover bearing Registration No.TN-57-BB-7314 and seized the vehicle as the same was used for transporting of river sand illegally without any valid license or permit and registered a case in Crime No.25 of 2020 for the offences under Section 294(b), 353, 307, 379 IPC and Section 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, Pudukkottai, for returning of the said vehicle in Cr.M.P.No.469 of 2023 and the learned Principal District and Sessions Judge, vide order dated 09.02.2023, has allowed the petition with certain conditions that the petitioner shall surrender the original R.C. Book and also to deposit a sum of Rs.1,00,000/- before the District Collector, Pudukkottai District as non-refundable and on compliance of the conditions, the above vehicle bearing Reg.No.TN-57-BB-7314 shall be returned to the petitioner on interim custody. Challenging the above said conditions, 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.



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5. 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.

6. The main grievance of the petitioner is that the conditions imposed by the learned Principal Sessions Judge in directing the petitioner to deposit a sum of Rs.1,00,000/- is onerous and that the value of the vehicle will be deteriorated due to the exposure to sun and rain.

7. Considering the above facts and circumstances of the case and also taking note of the submission made by the learned counsel appearing for the petitioner that the condition No.(i) imposed by the learned Principal District and Sessions Judge is onerous, this Court is inclined to modify the condition.

8. In the result, this Criminal Revision Petition is partly allowed. The order of the learned Principal District and Sessions Judge, Pudukkottai District, made in Cr.M.P.No.469 of 2023, dated 09.02.2023 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.25,000/- (Rupees Twenty Five Thousand only)** as non-refundable for the vehicle to the credit of the District Mineral Foundation Trust, Pudukkottai District and on compliance of the condition, the above vehicle bearing Reg.No.TN-57-BB-7314 shall be returned to the petitioner on interim custody. In respect of other conditions, the order of the learned Principal District and Sessions Judge, Pudukkottai District, shall remain unaltered.

16.03.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
das

To:-

- 1.The Principal District and Sessions Court,
Pudukkottai.
- 2.The Inspector of Police,
Thirumayam Police Station,
Pudukkottai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

das

ORDER MADE IN
CrI.R.C.(MD)No.302 of 2023

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