



Crl.R.C.(MD) No.307 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.307 of 2023

Mathavi

... Petitioner

Vs.

The State of Tamil Nadu represented by
The Sub-Inspector of Police,
Eraniel Police Station,
Kanniyakumari District.
(Crime No.592 of 2022)

...Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the order dated 16.02.2023 passed in Crl.M.P.No.1039 of 2023 by the learned Principal Sessions Judge, Kanyakumari District at Nagercoil and return the vehicle bearing Registration No.TN-75-K-5140 to the petitioner by allowing this Criminal Revision Petition.

For Petitioner : Mr.R.Murugan,

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



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ORDER

This Criminal Revision Petition is directed against the order passed by the learned Principal Sessions Judge, Kanniyakumari District at Nagercoil, in Crl.M.P.No.1039 of 2023 dated 16.02.2023.

2. The petitioner claims to be the owner of Mahindra Tipper Tempo bearing Registration No.TN-75-K-5140. On 15.12.2022, the respondent police intercepted the vehicle viz., Mahindra Tipper Tempo bearing Registration No. TN-75-K-5140 and seized the vehicle as the same was used for transporting of sand illegally without any valid license or permit and registered a case in Crime No.592 of 2022 for the offences under Section 379 IPC 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 Sessions Judge, Kanniyakumari District at Nagercoil, for returning of the said vehicle in Crl.M.P.No.1039 of 2023 and the learned Principal Sessions Judge, vide order dated 16.02.2023, has allowed the petition with certain



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conditions. Challenging the above said order, 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.

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 condition imposed by the learned Principal Sessions Judge in directing the petitioner to deposit a sum of



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Rs.1,00,000/- is 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 No.(i) imposed by the learned Principal Sessions Judge is onerous, this Court is inclined to modify the condition.

9. In view of the above, the order of the learned Principal Sessions Judge, Kanniyakumari District at Nagercoil, made in Crl.M.P.No.1039 of 2023, dated 16.02.2023 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, Kanniyakumari District and also to execute a bond for a sum of **Rs.1,00,000/- (Rupees One Lakh only)** with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate, Eraniel. In respect of other conditions, the order of the learned Principal Sessions



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Judge, Kanniyakumari District at Nagercoil, shall remain unaltered. Accordingly,
this Criminal Revision Petition is disposed of.

17.03.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
csm

To:-

- 1.The Principal Sessions Judge,
Kanniyakumari District at Nagercoil.
- 2.The Sub-Inspector of Police,
Eraniel Police Station,
Kanniyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

csm

**ORDER MADE IN
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17.03.2023