



Crl.R.C.(MD) No.306 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.306 of 2023

Arulraj

... Petitioner/Petitioner

Vs.

**The Inspector of Police,
M.Reddiapatti Police Station,
Virudhunagar District.
(Crime No.29 of 2022)**

...Respondent/Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records of Cr.M.P.No.429 of 2023 dated 06.02.2023 passed by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, and set aside the same in so far as condition (i).

For Petitioner : Mr.A.Balaji

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



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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.429 of 2023 dated 06.02.2023.

2. The petitioner claims to be the owner of Tractor and Trailer bearing Registration No.TN-67-BZ-1354. On 03.04.2022, the respondent police intercepted the above said Tractor and seized the vehicle along with Trailer as the same was used for transporting of sand illegally without any valid license or permit and registered a case in Crime No.29 of 2022 for the offences under Section 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, Virudhunagar District at Srivilliputhur, for returning of the said vehicle in Cr.M.P.No.429 of 2023 and the learned Principal District and Sessions Judge, vide order dated 06.02.2023, has allowed the petition



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with certain condition that the petitioner shall surrender the original R.C. Book and also to deposit a sum of Rs.75,000/- before Judicial Magistrate Court, Aruppukottai in Cr.No.29 of 2022 of M.Reddiapatti Police Station and on compliance of the condition, the above vehicle which was remanded in P.R.No.16 of 2022 on the file of Judicial Magistrate Court, Aruppukottai 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.

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



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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 grievance of the petitioner is that the condition imposed by the learned Principal District and Sessions Judge in directing the petitioner to deposit a sum of Rs.75,000/- 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 District and Sessions Judge is onerous, this Court is inclined to modify the condition.

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.429 of 2023, dated 06.02.2023 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 surrender the original R.C. Book before the Judicial Magistrate, Aruppukottai 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 which was remanded in P.R.No.16 of 2022 on the file of Judicial Magistrate Court, Aruppukottai shall be returned to the petitioner on interim custody. In respect of other conditions, the order of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, shall remain unaltered.

17.03.2023

NCC : Yes/No
Index : Yes/No
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K.MURALI SHANKAR, J.

csm

To:-

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

**ORDER MADE IN
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17.03.2023