



***Crl.R.C.(MD) No.314 of 2023***

**WEB COPY** BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED : 20.03.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR**

**Crl.R.C.(MD)No.314 of 2023**

Rabi

... Revision petitioner/  
Petitioner

**Vs.**

The State of Tamil Nadu,  
represented by The Inspector of Police,  
Marthandam Police Station,  
Kanyakumari District.  
(Crime No.406 of 2022)

... Respondent/  
Complainant

**Prayer :** This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records and set aside the impugned order passed by the Principal Sessions Judge, Kanyakumari District at Nagercoil in Crl.M.P.No.1113 of 2023 dated 21.02.2023 and allow this Criminal Revision.

For Petitioner : Mr.C.K.M.Appaji,

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



*Crl.R.C.(MD) No.314 of 2023*

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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.1113 of 2023 dated 21.02.2023.

2. It is seen from the records that the respondent has registered a case in Crime No.406 of 2022 for the offences under Sections 379 and 511 IPC and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 and seized two vehicles bearing Registration Nos.TN-76-AY-6656 and TN-49-BD-9925 as the same were used for transporting of sand illegally without any valid license or permit.

3. The petitioner's son claims to be the owner of Farm Track 35 (Jackhammer) bearing Registration No.TN-49-BD-9925 and he is working in abroad and he has given a power of attorney in favour of the petitioner.

4. It is not in dispute that the petitioner has approached the learned Principal Sessions Judge, Kanniyakumari District at Nagercoil, for returning of



***Crl.R.C.(MD) No.314 of 2023***

the said vehicle in CrI.M.P.No.1113 of 2023 and the learned Principal Sessions Judge, vide order dated 21.02.2023, has allowed the petition with certain conditions. Challenging the above said order, the above Criminal Revision came to be filed before this Court.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

6. 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.

7. 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.

8. The main grievance of the petitioner is that the condition imposed by the learned Principal Sessions Judge in directing the petitioner to deposit a sum of



*Crl.R.C.(MD) No.314 of 2023*

Rs.1,00,000/- is onerous and that the value of the vehicle will be deteriorated due to the exposure to sun and rain.

9. 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.

10. Hence, the order of the learned Principal Sessions Judge, Kanniyakumari District at Nagercoil, made in Crl.M.P.No.1113 of 2023, dated 21.02.2023 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 Court No.I, Kuzhithurai. In respect of other conditions, the order of the learned



***Crl.R.C.(MD) No.314 of 2023***

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

**20.03.2023**

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

To:-

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



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*Crl.R.C.(MD) No.314 of 2023*

**K.MURALI SHANKAR, J.**

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**ORDER MADE IN  
Crl.R.C.(MD)No.314 of 2023**

**20.03.2023**