



Crl.R.C.(MD) No.374 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.374 of 2023

K.Krishnasamy @ Ayothi

**... Petitioner/Accused/Owner
of the Vehicle Tractor**

Vs.

**The State represented by
The Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar District.
(Crime No.226 of 2022)**

**...Respondent/Respondent/
Complainant**

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the entire records pertaining to the order passed by learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur in Cr.M.P.No.1345 of 2023 vide order dated 20.03.2023 and modify the condition imposed in condition No.1.

For Petitioner : Mr.D.Rajaboopathy

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



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ORDER

This Criminal Revision 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.1345 of 2023 dated 20.03.2023.

2. The petitioner claims to be the owner of Tractor bearing Registration No.TN-50-H-0415. On 20.08.2022, the respondent police intercepted the vehicle viz., Tractor bearing Registration No.TN-50-H-0415 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.226 of 2022 for the offences under Section 379 IPC r/w Sections 4(1)(1-A) 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 District and Sessions Judge, Virudhunagar District at Srivilliputhur, for returning of the said vehicle in Cr.M.P.No.1345 of 2023 and the learned Principal



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District and Sessions Judge, vide order dated 20.03.2023, 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.1,00,000/- before Judicial Magistrate, Rajapalayam in Cr.No.226 of 2022 of Rajapalayam North PS and on compliance of the condition, the above vehicle Tractor bearing Reg.No.TN-50-H-0415 and unnumbered Trailer which was remanded in P.R.No.41 of 2023 of Judicial Magistrate, Rajapalayam 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 is involved in two previous cases.

6. The learned counsel appearing for the petitioner would submit that the



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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.1,00,000/- 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 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.

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.1345 of 2023, dated 20.03.2023 is modified in



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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, Rajapalayam 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 Tractor bearing Reg.No.TN-50-H-0415 and unnumbered Trailer which was remanded in P.R.No.41 of 2023 of Judicial Magistrate, Rajapalayam shall be returned to the petitioner on interim custody on executing 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, Rajapalayam. In respect of other conditions, the order of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, shall remain unaltered.

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

csn

To:-

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

**ORDER MADE IN
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03.04.2023