



CrI.R.C.(MD) No.364 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CrI.R.C.(MD)No.364 of 2023

Pitchai

... Petitioner/Petitioner

Vs.

The Inspector of Police,
Thiruchuli Police Station,
Thiruchuli,
Virudhunagar District.
(Crime No.149 of 2022)

...Respondent/Respondent

Prayer : This Criminal Revision has been filed under Section 397 and 401 of Criminal Procedure Code, to call for the records of Cr.M.P.No.1343 of 2023, dated 20.03.2023 passed by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur and set aside the same in so far as the first condition.

For Petitioner : Mr.A.Balaji

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



Crl.R.C.(MD) No.364 of 2023

WEB COPY

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.1343 of 2023, dated 20.03.2023.

2. The petitioner claims to be the owner of JCB bearing Registration No.TN-67-BX-6067. On 16.07.2022, the respondent police intercepted the vehicle viz., JCB bearing Registration No.TN-67-BX-6067 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.149 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.1343 of 2022 and the learned Principal



Crl.R.C.(MD) No.364 of 2023

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District and Sessions Judge, vide order dated 20.03.2023, 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.2,00,000/- before the Judicial Magistrate, Thiruchuli in Cr.No.149 of 2022 of Thiruchuli Police Station and on compliance of the condition, the above vehicle bearing Reg.No.TN-67-BX-6067 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 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.



CrI.R.C.(MD) No.364 of 2023

WEB COPY

6. 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.2,00,000/- 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.

7. 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.

8. 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.1343 of 2023, dated 20.03.2023 is modified in 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



Crl.R.C.(MD) No.364 of 2023

Magistrate, Tiruchuli 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 Reg.No.TN-67-BX-6067 shall be returned to the petitioner on interim custody on executing a bond for a sum of **Rs.2,00,000/- (Rupees Two Lakhs only)** with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate, Tiruchuli. In respect of other conditions, the order of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, shall remain unaltered.

31.03.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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Crl.R.C.(MD) No.364 of 2023

K.MURALI SHANKAR, J.

das

To:-

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

ORDER MADE IN
Crl.R.C.(MD)No.364 of 2023

31.03.2023