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CrI.R.C.(MD) No.458 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 26.04.2023

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CrI.R.C.(MD)No.458 of 2023

Muthukumar

.. Petitioner

Vs.

State through the Inspector of Police,
Kariyapatti Police Station,
Virudhunagar District.
Crime No.89 of 2021.

.. Respondent

Prayer : This Criminal revision case is filed under Section 397 r/w. Section 401 of Cr.P.C., to call for the records pertaining to the order passed in CrI.M.P.No.1204 of 2023, dated 20.03.2023 on the file of the Principal District and Sessions Judge, Srivilliputtur, Virudhunagar District and set aside the same and modify the onerous condition No.1.

For Petitioner : Mr.B.Mahendrarajan,

For Respondent : Mr.SS.Madhavan,
Government Advocate (Criminal Side)

ORDER

The Criminal Revision Case came to be filed seeking orders to modify the condition No.1 imposed in CrI.M.P.No.1204 of 2023, dated 20.03.2023



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on the file of the Principal District and Sessions Judge, Srivilliputtur,
Virudhunagar District.

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2. The petitioner claims to be the owner of the vehicle/Tipper Lorry bearing Reg.No.TN-28-AW-6568. The respondent police seized the above vehicle in connection with the case in Crime No.89 of 2021 for the offence under Section 379 of IPC and Section 21(1) of Mines and Mineral (Development and Regulations) Act, 1957.

3. It is not in dispute that the petitioner has approached the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur, for returning of the said vehicle in Cr.M.P.No.1204 of 2023 and the learned 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.1,50,000/- before that Court in Crime No.89 of 2021 of Kariyapatti PS and on compliance of the above condition, the Tipper lorry bearing Reg.No.TN-28-AW-6568, which was remanded in P.R.No.69 of 2021 of this Court 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.



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

5. The learned counsel 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 on rental basis.

6. The main grievance of the petitioner is that the condition imposed by the learned Principal District and Sessions Judge, Srivilliputtur, Virudhunagar District, in directing the petitioner to deposit a sum of Rs.1,50,000/-, is 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 condition imposed by the learned Principal District and Sessions Judge, Srivilliputtur, Virudhunagar District, is onerous, this Court is inclined to modify the first condition alone.



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8. In the result, this Criminal Revision Petition is allowed. The order of the learned Principal District and Sessions Judge, Srivilliputtur, Virudhunagar District, made in Crl.M.P.No.1204 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 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 such deposit, the petitioner shall execute a bond for a sum of Rs.2,00,000/- (Rupees Two lakhs only), with two sureties each for a likesum to the satisfaction of the learned Principal District and Sessions Judge, Srivilliputtur, Virudhunagar District and on compliance of the condition, the above vehicle bearing Reg.No.TN-28-AW-6568 shall be returned to the petitioner on interim custody. In respect of other conditions, the order of the learned Principal District and Sessions Judge, Srivilliputtur, Virudhunagar District , shall remain unaltered.

26.04.2023

NCC : Yes/No
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To

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



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K.MURALI SHANKAR, J.

das

ORDER MADE IN
Crl.R.C.(MD)No.458 of 2023

26.04.2023