



*CrI.R.C.(MD) No.430 of 2023*

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

**DATED : 20.04.2023**

**CORAM:**

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

**CrI.R.C.(MD)No.430 of 2023**

**A.Isaballamary**

**: Petitioner**

**Vs.**

State through  
The Inspector of Police,  
Vaiyampatty Police Station,  
Trichy District.  
Crime No.151 of 2023.

**: Respondent**

**Prayer :** This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to the order passed in Cr.M.P.No.1571 of 2023, dated 11.04.2023 on the file of the learned Principal Sessions Judge, Tiruchirappalli and set aside and modify the onerous second condition.

For Petitioner : Mr.P.Senguttuarasan

For Respondent : Mr.R.Sivakumar,  
Government Advocate (CrI. Side)

**ORDER**

This Criminal Revision Petition is directed against order passed in Cr.M.P.No.1571 of 2023, dated 11.04.2023 on the file of the learned Principal



*Crl.R.C.(MD) No.430 of 2023*

District and Sessions Judge, Tiruchirappalli and set aside and modify the onerous second condition.

2. The petitioner claims to be the owner of JCB bearing Registration No.TN-45-CY-1921. On 30.03.2023, the respondent police intercepted the vehicle viz., JCB bearing Registration No.TN-45-CY-1921 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.151 of 2023 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, Tiruchirappalli, for returning of the said vehicle in Cr.M.P.No.1571 of 2023 and the learned Principal District and Sessions Judge, vide order dated 11.04.2023, has allowed the petition with certain conditions that the petitioner shall deposit a sum of Rs.25,000/- before the District Mineral Foundation Trust, Tiruchirappalli, as non-refundable deposit and the petitioner shall execute a bond for a sum of Rs.15,00,000/- with two sureties for a like sum each to the satisfaction of the Judicial Magistrate, Manapparai and on compliance of the conditions, the above vehicle bearing



*Crl.R.C.(MD) No.430 of 2023*

Reg.No.TN-45-CY-1921 shall be returned to the petitioner on interim custody.

Challenging the above said conditions, the above Criminal Revision came to be filed before this Court.

4. 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.

5. The learned Government Advocate (Criminal Side) appearing for the State would submit that the value of the vehicle is around Rs.25 lakhs.

6. The main grievance of the petitioner is that the conditions imposed by the learned Sessions Judge in directing the petitioner to execute a bond for a sum of Rs.15,00,000/- with two sureties for a like sum each to the satisfaction of the Judicial Magistrate, Manapparai, is onerous and that the value of the vehicle will be deteriorated due to the exposure to sun and rain.



*CrI.R.C.(MD) No.430 of 2023*

7. 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 No.(ii) 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 partly allowed. The order of the learned Principal District and Sessions Judge, Tiruchirappalli District, made in Cr.M.P.No.1571 of 2023, dated 11.04.2023 is modified in respect of the condition No.(ii) alone and it is modified to the effect that the petitioner shall execute a bond for a sum of Rs.8,00,000/- with two sureties for a like sum each to the satisfaction of the Judicial Magistrate, Manapparai and on compliance of the condition, the above vehicle bearing Reg.No.TN-45-CY-1921 shall be returned to the petitioner on interim custody. In respect of other conditions, the order of the learned Principal District and Sessions Judge, Tiruchirappalli, shall remain unaltered.

**20.04.2023**

NCC : Yes/No  
Index : Yes/No  
Internet : Yes/No  
das



*CrI.R.C.(MD) No.430 of 2023*

WEB COPY

To:-

- 1.The Principal District and Sessions Court,  
Tiruchirappalli.
- 2.The Inspector of Police,  
Vaiyampatty Police Station,  
Trichy District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



WEB COPY



*CrI.R.C.(MD) No.430 of 2023*

**K.MURALI SHANKAR, J.**

das

ORDER MADE IN  
CrI.R.C.(MD)No.430 of 2023

20.04.2023