



Crl.R.C.(MD) No.452 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.452 of 2023

Mahiba Santhi

... Petitioner/Petitioner

Vs.

**The State represented through
The Sub Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.
(Crime No.16 of 2023)**

...Respondent/Respondent

Prayer : This Criminal Revision has been filed under Sections 397 r/w 401 of Criminal Procedure Code, to call for records and set aside the first condition of the order in Crl.M.P.No.1879 of 2023 in Crime No.16 of 2023 dated 25.03.2023 on the file of learned Principal Sessions Judge, Kanniyakumari at Nagercoil.

For Petitioner : Mr.B.Muneeswaran

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



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ORDER

This Criminal Revision is directed against the condition No.(i) imposed by the learned Principal Sessions Judge, Kanniyakumari District at Nagercoil, in the order passed in Crl.M.P.No.1879 of 2023 dated 25.03.2023.

2. The petitioner claims to be the owner of Tipper Tempo bearing Registration No.TN-75-AV-7393 (TATA 610 SK DCR33CBC 100B6M5). On 15.01.2023, the respondent police intercepted the vehicle viz., Tipper Tempo bearing Registration No.TN-75-AV-7393 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.16 of 2023 for the offence under Section 379 IPC.

3. It is not in dispute that the petitioner has approached the learned Principal Sessions Judge, Kanniyakumari District at Nagercoil, for returning of the said vehicle in Crl.M.P.No.1879 of 2023 and the learned Principal Sessions Judge, vide order dated 25.03.2023, has allowed the petition with certain



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condition that the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) before the Judicial Magistrate No.II, Padmanabhapuram. 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 was not involved in any other previous case.

6. 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.



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7. The main grievances of the petitioner is that the condition imposed by the learned Principal Sessions Judge in directing the petitioner to deposit a sum of Rs.1,00,000/- is 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 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.

9. In the result, this Criminal Revision Petition is allowed. The order of the learned Principal Sessions Judge, Kanniyakumari District at Nagercoil, made in CrI.M.P.No.1879 of 2023, dated 25.03.2023 is modified in respect of the condition No.(i) alone and it is modified to the effect that the petitioner is directed to 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. In respect of other conditions, the order of the learned



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Principal Sessions Judge, Kanniyakumari District at Nagercoil, shall remain unaltered.

25.04.2023

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

To:-

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



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K.MURALI SHANKAR, J.

csm

**ORDER MADE IN
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