



Crl.R.C.(MD) No.467 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.467 of 2023

Kalimuthu

... Petitioner/Petitioner

Vs.

**State through
The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.
(Crime No.22 of 2023)**

...Respondent/Respondent

Prayer : This Criminal Revision has been filed under Section 397 & 401 of Criminal Procedure Code, to call for records and set aside the order (condition No.(i)) passed by the Court of Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur in Cr.M.P.No.1670 of 2023 on 10.04.2023 and allow this Criminal Revision Petition.

For Petitioner : Mr.M.Jothi Basu

**For Respondent : Mr.SS.Madhavan,
Government Advocate (Crl. side)**



Crl.R.C.(MD) No.467 of 2023

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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 Srivilliputtur, in the order passed in Cr.M.P.No.1670 of 2023 dated 10.04.2023.

2. The petitioner claims to be the owner of Tractor bearing Registration No.TN-95-F-5078 and an unnumbered Trailer. On 18.01.2023, the respondent police intercepted the vehicle viz., Tractor bearing Registration No.TN-95-F-5078 and seized the vehicle as the same was used for transporting of Karambai sand illegally without any valid license or permit and registered a case in Crime No.22 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, Virudhunagar District at Srivilliputhur, for returning of the said vehicle in Cr.M.P.No.1670 of 2023 and the learned Principal



Crl.R.C.(MD) No.467 of 2023

WEB COPY
District and Sessions Judge, vide order dated 10.04.2023, 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 the Judicial Magistrate No.I, Sivakasi in Cr.No.22 of 2023 of Sivakasi Town PS and on compliance of the condition, the above vehicle which was remanded in P.R.No.35 of 2023 of Judicial Magistrate No.I, Sivakasi 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 one previous case.

6. The learned counsel appearing for the petitioner would submit that the petitioner's family is depending upon the income deprived from the above said



Crl.R.C.(MD) No.467 of 2023

vehicle and that the value of the vehicle will be deteriorated due to the exposure to sun and rain.

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.

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.1670 of 2023, dated 10.04.2023 is modified in respect of the condition Nos.(i) and (ii) alone and it is modified to the effect that



Crl.R.C.(MD) No.467 of 2023

the petitioner is directed to surrender the original R.C. Book before the Judicial Magistrate No.I, Sivakasi 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 Registration No.TN-95-F-5078 and the unnumbered Trailer which was remanded in P.R.No.35 of 2023 of Judicial Magistrate No.I, Sivakasi 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 No.I, Sivakasi. In respect of other conditions, the order of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, shall remain unaltered.

27.04.2023

NCC : Yes/No
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Crl.R.C.(MD) No.467 of 2023

K.MURALI SHANKAR, J.

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To:-

- 1.The Principal District and Sessions Judge,
Virudhunagar District at Srivilliputhur.
- 2.The Judicial Magistrate No.I,
Sivakasi.
- 3.The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

**ORDER MADE IN
Crl.R.C.(MD)No.467 of 2023**

27.04.2023