



Crl.R.C.(MD) No.511 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.05.2023

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.R.C.(MD)No.511 of 2023

Ramesh

... Petitioner/Petitioner

Vs.

State rep.by Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
(Crime No.2 of 2023)

... Respondent/Respondent

Prayer : This Criminal Revision has been filed under Sections 397 r/w 401 (1) of Criminal Procedure Code, to call for the records in Crl.M.P.No.1990 of 2023 on the file of the Principal Sessions Court, Kanyakumari District at Nagercoil dated 11.04.2023 and to set aside the order as far as the onerous condition No.I alone is concerned and to modify the same.

For Petitioner : Mr.S.Sivakumar

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



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ORDER

This Criminal Revision Petition is filed to call for the records pertaining to the order passed by learned Principal Sessions Court, Kanyakumari District at Nagercoil in Crl.M.P.No.1990 of 2023 vide order dated 11.04.2023 and modify condition No.1 imposed on the petitioner.

2. The learned counsel for the revision petitioner submitted that the petitioner is the owner of Tractor bearing Registration No.TN-33-A-6219. The said vehicle was used for his own use and respondent seized the vehicle on the allegation that the vehicle was fitted with Compressor bearing Registration No.TN-33-A-6219 and registered a case in Crime No.02 of 2023. The petitioner claiming himself as the owner of the vehicle filed a petition under Section 451 of Cr.P.C in Crl.M.P.No.1990 of 2023, before the learned Principal Sessions Judge, Kanyakumari District at Nagercoil, for return of vehicle and the same was allowed on 11.04.2023, with certain conditions.

3.The trial Court, while granting the order of return of vehicle, imposed certain conditions upon the petitioner. One of the conditions is that '*the*



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petitioner shall deposit a sum of Rs.1,00,000/-(Rupees One Lakh only) before the learned Judicial Magistrate No.I, Kuzhithurai”.

4.The grievance of the learned counsel for the petitioner is that the petitioner's vehicle is not involved in the above said commission of offence. He would further submit that the petitioner is not able to arrange such huge amount.

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

6.The main grievance of the petitioner is that the condition imposed by the learned Principal Sessions Judge, Kanyakumari District at Nagercoil, in directing the petitioner to deposit a sum of Rs.1,00,000/-(Rupees One Lakh only) is onerous.

7.Considering the above facts and circumstances of the case and also considering the condition of the vehicle, the order of the learned Principal Sessions Judge, Kanyakumari District at Nagercoil, made in Crl.M.P.No.1990 of



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2023, dated 11.04.2023 is modified in respect of the condition No.1 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) before the learned Judicial Magistrate No.I, Kuzhithurai, in Crime No.2 of 2023 within a period of two weeks from the date of receipt of copy of this order. The other conditions imposed by the trial Court remain unaltered.

8.In the result, the Criminal Revision Case is allowed.

17.05.2023

Index : Yes/No
Internet : Yes/No
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To:

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



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T.V.THAMILSELVI, J,

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ORDER MADE IN
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