



WEB COPY



CrI.R.C.(MD) No.603 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CrI.R.C.(MD)No.603 of 2023

Jones Daniel

: Petitioner

Vs.

The Sub Inspector of Police,
Kaliyakavilai Police Station,
rep.by the Public Prosecutor,
Kanyakumari District at Nagercoil.
Crime No.109 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 relating to the impugned order passed in CrI.M.P.No.2712 of 2023, dated 02.06.2023 by the learned Principal Sessions Judge, Kanyakumari District at Nagercoil and set aside and modify the first condition in the said impugned order.

For Petitioner : Mr.V.Sukumar

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

ORDER

This Criminal Revision Petition is directed against order passed in Cr.M.P.No.2712 of 2023, dated 02.06.2023 on the file of the learned Principal



Crl.R.C.(MD) No.603 of 2023

Sessions Judge, Kanyakumari District at Nagercoil and set aside and modify the first condition.

2. The petitioner claims to be the owner of 407 Tempo bearing Registration No.TN-75-K-8074. On 08.05.2023, the respondent police intercepted the vehicle viz., Tempo bearing Registration No.TN-75-K-8074 and seized the vehicle as the same was used for transporting of black stones illegally without any valid license or permit and registered a case in Crime No.109 of 2023 for the offences under Section 379 IPC.

3. It is not in dispute that the petitioner has approached the learned Principal Sessions Judge, Kanyakumari District at Nagercoil, for returning of the said vehicle in Cr.M.P.No.2712 of 2023 and the learned Principal Sessions Judge, vide order dated 02.06.2023, has allowed the petition with certain conditions that the petitioner shall deposit a sum of Rs.1,00,000/- before the learned Judicial Magistrate No.I, Kuzhithurai and on compliance of the conditions, the above vehicle bearing Reg.No.TN-75-K-8074 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.3.5 lakhs.

6. The main grievance of the petitioner is that the conditions imposed by the learned Sessions Judge in directing the petitioner to deposit a sum of Rs.1,00,000/- before the Judicial Magistrate No.I, Kuzhithurai, 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 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.

8. In the result, this Criminal Revision Petition is partly allowed. The order of the learned Principal Sessions Judge, Kanyakumati District at Nagercoil, made



CrI.R.C.(MD) No.603 of 2023

in Cr.M.P.No.2712 of 2023, dated 02.06.2023 is modified in respect of the condition No.(i) alone and it is modified to the effect that the petitioner shall 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, Kanyakumari District and on such deposit, the petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees One lakh only), with two sureties each for a likesum to the satisfaction of the learned Judicial Magistrate No.I, Kuzhithurai and on compliance of the condition, the above vehicle bearing Reg.No.TN-75-K-8074 shall be returned to the petitioner on interim custody. In respect of other conditions, the order of the learned Principal Sessions Judge, Kanyakumari District at Nagercoil , shall remain unaltered.

20.06.2023

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

To:-

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



WEB COPY



CrI.R.C.(MD) No.603 of 2023

K.MURALI SHANKAR, J.

das

ORDER MADE IN
CrI.R.C.(MD)No.603 of 2023

20.06.2023