



Crl.R.C.(MD) No.599 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2023

CORAM:

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

Crl.R.C.(MD)No.599 of 2023

Samuthirakani

... Petitioner/Petitioner/
Accused No.2

Vs.

The State represented by
The Inspector of Police,
Watrap Police Station,
Virudhunagar District.
(Crime No.253 of 2022)

...Respondent/Respondent/
Complainant

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records and set aside and modify the condition No.(i) imposed by the Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur in Cr.M.P.No.2050 of 2023 on the petitioner depositing a sum of Rs.40,000/- before the Judicial Magistrate No.1, Srivilliputtur in Crime No.253 of 2022 of Watrap Police Station and on compliance of the condition, the above vehicle which was remanded in P.R.No.8 of 2023 of Judicial Magistrate No.1, Srivilliputtur, Crime No.253 of 2022 dated 26.10.2022 be returned to the petitioner on interim custody.



WEB COPY



Crl.R.C.(MD) No.599 of 2023

For Petitioner : Mr.P.Manoharan
For Respondent : Mr.A.Albert James,
Government Advocate (Crl. Side)

ORDER

The 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. 2050 of 2023 dated 26.04.2023.

2. The petitioner claims to be the owner of Tractor bearing Registration No.TN-65-F-3663. On 26.10.2022, the respondent police intercepted the vehicle viz., Tractor bearing Registration No.TN-65-F-3663 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.253 of 2022 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



Crl.R.C.(MD) No.599 of 2023

WEB COPY

Srivilliputtur, for returning of the said vehicle in Cr.M.P.No.2050 of 2023 and the learned Principal District and Sessions Judge, vide order dated 26.04.2023, 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.40,000/- before the Judicial Magistrate No.1, Srivilliputtur in Crime No.253 of 2022 of Watrap PS and on compliance of the condition, the above vehicle which was remanded in P.R.No.8 of 2023 of Judicial Magistrate No.1, Srivilliputtur shall be returned to the petitioner on interim custody. Challenging the above said condition, the present 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 having two previous cases and that the said vehicle was not involved in any other previous case.



Crl.R.C.(MD) No.599 of 2023

WEB COPY

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.

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.40,000/- and also to execute a bond for the value of the vehicle are 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 Nos.(i) and (ii) imposed by the learned Principal District and Sessions Judge are onerous, this Court is inclined to modify the conditions.



Crl.R.C.(MD) No.599 of 2023

WEB COPY

9. In the result, this Criminal Revision case is allowed. The order of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur, made in Cr.M.P.No.2050 of 2023 dated 26.04.2023 is modified in respect of the condition Nos.(i) and (ii) alone and it is modified to the effect that the petitioner is directed to surrender the original R.C. Book 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 bearing Reg.No.TN-65-F-3663 which was remanded in P.R.No.8 of 2023 shall be returned to the petitioner on interim custody on executing a bond for a sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with two sureties for a likesum to the satisfaction of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur. In respect of other conditions, the order of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, shall remain unaltered.

19.06.2023

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



WEB COPY



Crl.R.C.(MD) No.599 of 2023

K.MURALI SHANKAR, J.

esm

To:-

- 1.The Principal District and Sessions Judge,
Virudhunagar District at Srivilliputhur.
- 2.The Sub Collector
Sub Collector Office,
Sivakasi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

**ORDER MADE IN
Crl.R.C.(MD)No.599 of 2023**

Dated : 19.06.2023