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Crl.R.C.(MD) No.607 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.607 of 2023

Amburose

: Petitioner

Vs.

The State rep.by the Inspector of Police,
Nagudi Police Station,
Pudukottai District.
Crime No.85 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 pertaining to the order passed by the Principal District and Sessions Court, Pudukottai in Crl.M.P.No.1840 of 2023, dated 08.06.2023 and set aside the condition in so far directing the petitioner to deposit a sum of Rs.60,000/- as cash security.

For Petitioner : Mr.T.Lenin Kumar

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

ORDER

This Criminal Revision Petition is directed against order passed in Cr.M.P.No.1840 of 2023, dated 08.06.2023 on the file of the learned Principal



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District and Sessions Court, Pudukkottai and set aside the condition in so far directing the petitioner to deposit a sum of Rs.60,000/- as cash security.

2. The petitioner claims to be the owner of Tractor bearing Registration No.TN-55-BX-3570. On 26.04.2023, the respondent police intercepted the vehicle viz., Tractor bearing Registration No. TN-55-BX-3570 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.85 of 2023 for the offences under Section 379 IPC and 21(1)(2) 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, Pudukkottai, for returning of the said vehicle in Cr.M.P.No.1840 of 2023 and the learned Principal District Sessions Judge, vide order dated 08.06.2023, has allowed the petition with certain conditions that the petitioner shall deposit a sum of Rs.60,000/- in the name of the District Collector, Pudukkottai District, IOB Bank, Pudukkottai Branch, Bank A/c.No.007201000064822, as non refundable deposit and on compliance of the condition, the above vehicle bearing Reg.No. TN-55-BX-3570 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. 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.5,00,000/-.

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.60,000/- in the name of the District Collector, Pudukkottai District, 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 imposed by the learned Principal District and Sessions Judge, is onerous, this Court is inclined to modify the condition.



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8. In the result, this Criminal Revision Petition is partly allowed. The order of the learned Principal District and Sessions Judge, Pudukkottai, made in Cr.M.P.No.1840 of 2023, dated 08.06.2023 is modified in respect of the conditions No.(i) and (ii) 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, Pudukkottai District and on such deposit, the petitioner shall execute a bond for a sum of Rs.1,50,000/- (Rupees One lakh Fifty Thousand only), with two sureties each for a likesum to the satisfaction of the concerned Magistrate and on compliance of the condition, the above vehicle bearing Reg.No.TN-55-BX-3570 shall be returned to the petitioner on interim custody. In respect of other conditions, the order of the learned Principal District and Sessions Judge, Pudukkottai, shall remain unaltered.

20.06.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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To:-

- 1.The Principal District and Sessions Court,
Pudukottai.
- 2.The he Inspector of Police,
Nagudi Police Station,
Pudukottai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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K.MURALI SHANKAR, J.

das

ORDER MADE IN
CrI.R.C.(MD)No.607 of 2023

20.06.2023