



Crl.R.C.(MD) No.637 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.637 of 2023

Kumaresan

: Petitioner

Vs.

1.Palanisamy

2.State through the Sub-Inspector of Police,
A.Mukkulam Police Station,
Virudhunagar District.
Crime No.58 of 2022.

: Respondents

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records of the impugned order passed in Crl.M.P.No.1608 of 2023, dated 27.04.2023 by the Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur and set aside the same in so far as surrendering original R.C book of Trailer bearing Reg.No.TN-65-H-1765 and depositing a sum of Rs.75,000/- alone before the Judicial Magistrate Court, Thiruchuli, Virudhunagar District imposed in the condition No.(i) of the aforesaid impugned order for releasing the petitioner's vehicle.

For Petitioner

: Mr.R.Murugappan

For 2nd Respondent

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



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ORDER

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This Criminal Revision Petition is directed against order passed in Cr.M.P.No.1608 of 2023, dated 27.04.2023 on the file of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur and set aside the same in so far as surrendering original R.C book of Trailer bearing Reg.No.TN-65-H-1765 and depositing a sum of Rs.75,000/- alone before the Judicial Magistrate Court, Thiruchuli, Virudhunagar District.

2. The petitioner claims to be the owner of Tractor bearing Registration No.TN-67-BM-0120 and the Trailer bearing Reg.No.TN-65-H-1765. On 21.08.2022, the respondent police intercepted the vehicle viz., Tractor bearing Registration No.TN-67-BM-0120 along with the Trailer bearing Reg.No.TN-65-H-1765 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.58 of 2022 for the offences under Section 379 IPC and 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.1608 of 2023 and the learned Principal



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District and Sessions Judge, vide order dated 27.04.2023, has allowed the petition with certain conditions that the petitioner shall surrender the original R.C. Book of Tractor and the Trailer and also deposit a sum of Rs.75,000/- before the Judicial Magistrate Court, Thiruchuli, Virudhunagar District and on compliance of the condition, the above vehicle bearing Reg.No.TN-67-BM-0120 and the Trailer bearing Reg.No.TN-65-H-1765 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.10,00,000/-. He would further submit that the vehicle in question, is not having any previous case.

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



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Rs.75,000/- before the learned Judicial Magistrate, Thiruchuli, 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.

8. In the result, this Criminal Revision Petition is partly allowed. The order of the learned Principal District and Sessions Judge, Virudhunagar at Srivilliputur, made in Cr.M.P.No.1608 of 2023, dated 27.04.2023 is modified in respect of the conditions No.(i) alone and it is modified to the effect that the petitioner is directed to surrender the original R.C.Book of Tractor bearing Reg.No.TN-67-BM-0120 and the Trailer bearing Reg.No.TN-65-H-1765 before the Judicial Magistrate, Thiruchuli and also 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 such deposit, the petitioner shall execute a bond for a sum of Rs.3,00,000/- (Rupees Three lakhs 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-67-BM-0120 and the Trailer bearing Reg.No.TN-65-H-1765 shall be



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returned to the petitioner on interim custody. In respect of other conditions, the order of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, shall remain unaltered.

26.06.2023

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

To:-

- 1.The Principal District and Sessions Judge,
Virudhunagar District at Srivilliputhur.
- 2.The Sub-Inspector of Police,
A.Mukkulam Police Station,
Virudhunagar 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
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