



Crl.R.C.(MD) No.656 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.656 of 2023

Eswaran

... Revision Petitioner/Petitioner/
Owner of the property/
Accused No.2

Vs.

1.The State represented by
The Inspector of Police,
M.Pudhupatti Police Station,
Virudhunagar District.
(Crime No.18 of 2021)

... Respondent/Respondent No.1/
Complainant

2.Kantha Eswaran

...Respondent No.2/Accused No.2/
Respondent No.2

3.Vinayagamuthu

4 Lakshmi Narayanan

5.Shareholders
Sakthibhavathy Traders

...Respondent Nos.2 to 5/
Respondent/Complainant

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



Crl.R.C.(MD) No.656 of 2023

impugned order passed in Cr.M.P.No.1205 of 2023 dated 25.04.2023 by the Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur and to set aside the condition so far as the direction for deposit sum of Rs.75,000/- to the credit of case in Crime No.18 of 2021 on the file of the respondent, dismissing the petition filed under Section 451 Cr.P.C. for returning of the vehicle.

For Petitioner : Mr.Sivakumar Rajappan
For R1 : Mr.SS.Madhavan,
Government Advocate (Crl. side)

ORDER

This 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. 1205 of 2023 dated 25.04.2023.

2. The petitioner claims to be the owner of the Tractor bearing Registration No.TN-67-P-4798 and the Trailer bearing Registration No.TN-67-P-4799. On 23.01.2021, the first respondent police seized the above said Tractor as the same was used for transporting of gravel sand illegally without any valid license or permit and registered a case in Crime



Crl.R.C.(MD) No.656 of 2023

No.18 of 2021 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 Srivilliputhur, for returning of the said vehicle in Cr.M.P.No.1205 of 2023 and the learned Principal District and Sessions Judge, vide order dated 25.04.2023, has allowed the petition with certain condition that the 5th respondent shall produce the original R.C. Book which is in his custody for verification and the petitioner shall deposit a sum of Rs.75,000/- before this Court in Cr.No.18 of 2021 of M.Pudupatti PS and on compliance of the condition, the above vehicle which was remanded in P.R.No.108 of 2021 of this Court shall be returned to the petitioner on interim custody and the original R.C. Book shall be returned to the petitioner for name transfer. Challenging the above said condition, the above 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.



Crl.R.C.(MD) No.656 of 2023

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5. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioner is not having any previous cases for similar offence and that the said vehicle was not involved in any other previous case. He would further submit that the value of the said vehicle is around Rs.3,00,000/-.

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 condition imposed by the learned Principal District and Sessions Judge in directing the petitioner to deposit a sum of Rs.75,000/- and also to execute a bond for the value of the vehicle are onerous.

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



Crl.R.C.(MD) No.656 of 2023

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.

9. In the result, this Criminal Revision case is allowed. The order of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, made in Cr.M.P.No.1205 of 2023, dated 25.04.2023 is modified in respect of the condition Nos.(i) and (ii) alone and it is modified to the effect that the fifth respondent is directed to produce the original R.C. Book which is in his custody for verification and the petitioner is directed 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 Tractor bearing Registration No.TN-67-P-4798 and the Trailer bearing Registration No.TN-67-P-4799 which was remanded in P.R.No.108 of 2021 of Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur shall be returned to the petitioner on interim custody and the



Crl.R.C.(MD) No.656 of 2023

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original R.C. Book shall be returned to the petitioner for name transfer on executing a bond for a sum of **Rs.1,00,000/- (Rupees One Lakh 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.

30.06.2023

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

To:-

- 1.The Principal District and Sessions Judge,
Virudhunagar District at Srivilliputhur.
- 2.The Inspector of Police,
M.Pudhupatti Police Station,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.R.C.(MD) No.656 of 2023



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Crl.R.C.(MD) No.656 of 2023

K.MURALI SHANKAR, J.

esm

**ORDER MADE IN
Crl.R.C.(MD)No.656 of 2023**

Dated : 30.06.2023