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***Crl.R.C.(MD) No.670 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.670 of 2023**

Viji.R

... Revisionist/  
Petitioner

**Vs.**

State represented by  
The Inspector of Police,  
Marthandam Police Station,  
Kanyakumari District.  
(Crime No.484 of 2019)

...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 the order passed in Crl.M.P.No.60 of 2023 dated 11.05.2023 by the learned Principal Sessions Judge, Kanyakumari District at Nagercoil.

For Petitioner : Mr.S.Jebastin

For Respondent : Mr.R.Meenakshi Sundaram,  
Additional Public Prosecutor



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**ORDER**

This Criminal Revision is directed against the order passed in Crl.M.P.No.60 of 2023 dated 11.05.2023 on the file of the Vacation Sessions Judge, Kanniyakumari District at Nagercoil.

2. It is evident from the records that the petitioner claims to be the owner of Tempo bearing Registration No.TN-75-U-9874 and the said vehicle was seized by the respondent police as the same was used for transporting red sand illegally without any valid license or permit and registered a case in Crime No.484 of 2019 for the offences under Section 379 IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, that the petitioner has filed an application in Crl.M.P.No.440 of 2020 for return of the vehicle and the learned Sessions Judge, vide order dated 29.01.2020, has granted the interim custody of the vehicle by imposing some conditions which includes that the petitioner shall produce the vehicle before the learned Judicial Magistrate No.I, Kuzhithurai on first working day of every month. Aggrieved by the said condition, the petitioner has filed a revision before this Court in Crl.R.C.



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(MD)No.431 of 2023 and this Court, vide order dated 20.04.2023, has dismissed the petition and liberty was granted to the petitioner to file an application before the Principal Sessions Court for relaxation or modification of the order. In pursuance of the same, the petitioner has filed an application in Crl.M.P.No.60 of 2023 to relax the condition and the learned Sessions Judge, considering the objection of the learned Public Prosecutor that the vehicle is very much essential in this case and it is a material object in this case, has dismissed the petition. Aggrieved by the dismissal order, the present revision came to be filed.

3. The learned counsel appearing for the petitioner would submit that the petitioner has been complying with the said condition from 03.02.2020 to 05.01.2023 for the past three years and that the petitioner is a conservative women and appearing before the Court every month is causing mental agony to her.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the respondent, after completing the investigation, has filed the charge sheet and the case is yet to be taken on file.



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5. Considering the above facts and circumstances, this Court is inclined to modify the condition.

6. In the result, this Criminal Revision case is allowed. The order of the learned Vacation Sessions Judge, Kanniyakumari District at Nagercoil, made in Crl.M.P.No.60 of 2023, dated 11.05.2023 is hereby set aside and the condition No.vii imposed in the order dated 29.01.2020 passed in Crl.M.P.No.440 of 2020 by the learned Principal Sessions Judge, Kanyakumari District at Nagercoil is modified to that effect the petitioner is directed to produce the vehicle before the Courts as and when required.

**30.06.2023**

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



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WEB COPY To:-

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



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**K.MURALI SHANKAR, J.**

esm

**ORDER MADE IN  
Crl.R.C.(MD)No.670 of 2023**

**Dated : 30.06.2023**