



CrI.R.C.(MD) No.1195 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 31.10.2023

Delivered on : 06.11.2023

CORAM:

THE HON'BLE MR JUSTICE P.VADAMALAI

CrI.R.C.(MD)No.1195 of 2023

Kathiravan

... Petitioner/Petitioner/
owner of the vehicle

Vs.

Inspector of Police,
Vangal Police Station,
Karur District.

... Respondent/Respondent/
Complainant

Prayer : This Criminal Revision has been filed under Sections 397 and 401 of Criminal Procedure Code, to call for the records and to modify the conditional order dated 27.04.2023 made in CrI.M.P.No.693 of 2023 before the learned Principal District and Sessions Judge, Karur, Karur District in so far as the condition No.1 is concerned.

For Petitioner : Mr.B.Santhanam Rajesh Kumar

For Respondent : Mr.K.Sanjay Gandhi
Government Advocate (CrI. Side)



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ORDER

This Criminal Revision Petition is filed to call for the records and to modify the conditional order dated 27.04.2023 made in Crl.M.P.No.693 of 2023 before the learned Principal District and Sessions Judge, Karur, Karur District in so far as the condition No.1 is concerned.

2. The learned counsel for the revision petitioner submitted that the petitioner is the owner of the Tipper lorry bearing Registration No.TN-57-Q-0156. On the date of occurrence (i.e) on 21.11.2022 at about 10.00 a.m, it is alleged that the petitioner vehicle transported the river sand without proper permission. Therefore, the respondent registered a case in Crime No.544 of 2022 for the offence under Sections 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957. The petitioner as the owner of the vehicle filed a petition under Section 451 of Cr.P.C in Crl.M.P.No.693 of 2023, before the Principal and Sessions Judge, Karur District, for return of vehicle and the same was allowed on 27.04.2023, with certain conditions.



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3. The learned Sessions Judge, while granting the order of return of vehicle, imposed the certain conditions upon the petitioner. One of the conditions (1) is that *"the petitioner is directed to surrender the original R.C Book and smart card before this Court and further, the petitioner is directed to deposit a non-refundable fund for a sum of Rs.1,00,000/- (Rupees One Lakh only) before the District Mediation Centre, Karur without prejudice to the defence to be taken by the petitioner in the criminal case and on such deposit and production of the receipt thereof and in compliance of the condition, the above vehicle, which was remanded in R.P.No.110 of 2022 of the learned Judicial Magistrate No.II, Karur, shall be returned to the petitioner on interim custody.*

4. The learned counsel for the petitioner submitted that the petitioner's vehicle is not involved in the above said commission of offence. He would further submit that due to financial crisis, the petitioner is unable to deposit a sum of Rs.1,00,000/-(Rupees One Lakh only) before the District Mediation Centre, Karur, as non-refundable deposit. He further submitted that the original R.C book of the vehicle is in the custody of the Kannabiran Finance Private Limited.



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Therefore, the petitioner could not surrender RC book before that Court. Hence, this Court may set aside the above said condition.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

6. The main grievance of the petitioner is that the vehicle was manufactured in the year 2009 and the condition imposed by the Principal District and Sessions Judge, Karur, Karur District, in directing the petitioner to deposit a sum of Rs.1,00,000/-(Rupees One Lakh only) before the District Mediation Centre, Karur, as non-refundable deposit is onerous. He has also filed a letter obtained from the financier, namely, Sre Kannabiran Financiers, Karur and it reveals that original R.C Book of the vehicle has been retained by the Financier.

7. Considering the above facts and circumstances of the case and also considering the oldness of the vehicle, the order of the learned Principal District and Sessions Judge, Karur, Karur District, made in Cr.M.P.No.693 of 2023, dated 27.04.2023 is modified in respect of the condition No.(i) alone and it is modified



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to the effect that the petitioner is directed to deposit non-refundable fund for a sum of Rs.50,000/-(Rupees Fifty Thousand only) before the District Mediation Centre, Karur without prejudice to the defence to be taken by the petitioner in the criminal case and on such deposit and production of the receipt thereof and in compliance of the condition, the above vehicle, which was remanded in R.P. no. 110 of 2022 of the learned Judicial Magistrate No.II, Karur, shall be returned to the petitioner on interim custody. Since the R.C. Book is with the Financier, the production of R.C. Book is dispensed with. The other conditions (ii) to (iv) shall remain unaltered.

8. In the result, the Criminal Revision Case is allowed.

06.11.2023

Index : Yes/No

Internet : Yes/No

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To:-

- 1.Principal District and Sessions Judge,
Karur, Karur District.
2. Inspector of Police,
Vangal Police Station,
Karur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P.VADAMALAI,J

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ORDER MADE IN
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06.11.2023