



Crl.R.C.(MD)No.1205 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Crl.R.C.(MD)No.1205 of 2023

Arul Viji

... Petitioner

Vs.

The Sub Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
(Crime No.112 of 2023)

... Respondent

Prayer : This Criminal Revision has been filed under Sections 397 r/w 401 of Criminal Procedure Code, to call for the records and set aside the first condition in para 7(i) imposed on the petitioner in Crl.M.P.No.40 of 2023 dated 04.05.2023 on the file of the Vacation Sessions Judge, Kanniyakumari District at Nagercoil and allow the Criminal Revision Petition.

For Petitioner : Mr.S.Sivakumar

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



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ORDER

This Criminal Revision Petition is filed to set aside the first condition in paragraph No.7(i) imposed on the petitioner in Crl.M.P.No.40 of 2023 dated 04.05.2023 on the file of the Vacation Sessions Judge, Kanniyakumari District at Nagercoil.

2. The learned counsel for the revision petitioner submitted that the petitioner is the owner of the TATA Motors Tata SFC 407/31 bearing Registration No.TN-74-AY-3472. On 18.03.2023 at about 02.00 a.m., it is alleged that the petitioner's vehicle transported red sand without any valid license or permit. Therefore, the respondent police registered a case in Crime No.112 of 2023 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 Sections 451 of Cr.P.C in Crl.M.P.No.40 of 2023, before the Vacation Sessions Judge, Kanniyakumari District at Nagercoil, for return of vehicle and the same was allowed on 04.05.2023, with certain conditions.



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3. The learned Vacation Sessions Judge, while granting the order of return of vehicle, imposed certain conditions upon the petitioner. One of the conditions (i) is that *"the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) before the Judicial Magistrate Court No.1, Kuzhithurai"*.

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 Judicial Magistrate Court No.1, Kuzhithurai. 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 2012 and the condition imposed by the learned Vacation Sessions Judge, Kanniyakumari District at Nagercoil, in directing the petitioner to



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deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) before the Judicial Magistrate Court No.1, Kuzhithurai is onerous.

7. Considering the above facts and circumstances of the case and also considering the oldness of the vehicle, the order of the learned Vacation Sessions Judge, Kanniyakumari District at Nagercoil, made in Crl.M.P.No.40 of 2023, dated 04.05.2023 is modified in respect of the condition No.(i) alone and it is modified to the effect that the petitioner is directed to deposit a sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) before the learned Judicial Magistrate No.1, Kuzhithurai in Crime No.112 of 2023 within a period of two weeks for the date of receipt of a copy of this order. The other conditions (ii) to (vii) shall remain unaltered.

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

21.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
VSD



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To

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



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P.VADAMALAI, J

VSD

ORDER MADE IN
CrI.R.C.(MD)No.1205 of 2023

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