



***Crl.R.C.(MD) No.1171 of 2023***

**WEB COPY** BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 19.10.2023

**CORAM:**

**THE HON'BLE MR JUSTICE P.VADAMALAI**

Crl.R.C.(MD)No.1171 of 2023

Brindha

... Petitioner/Petitioner/  
owner of the vehicle

**Vs.**

The State through,  
The Inspector of Police,  
Samayapuram Police Station,  
Trichy 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 pertaining to the order passed by the Principal District and Sessions Court, Trichy in Cr.M.P.No.5123 of 2023 dated 10.10.2023 and set aside the condition in so far directing the petitioner to deposit a sum of Rs.75,000/- as cash Security.

For Petitioner : Mr.T.Lenin Kumar

For Respondent : Mr.S.Manikandan  
Government Advocate (Crl. Side)



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**ORDER**

This Criminal Revision Petition is filed to call for the records pertaining to the order passed in Crl.M.P.No.5123 of 2022 dated 10.10.2023 on the file of the Principal District and Sessions Court, Trichy.

2. The learned counsel for the revision petitioner submitted that the petitioner is the owner of the Taras Lorry, bearing Registration No.TN-28-AF-9342. The said vehicle was used to transport the river sand with a valid permit for 5 units of river sand. On the date of occurrence (i.e) on 07.09.2023, it is alleged that the petitioner's vehicle transported 7 unit of river sand against valid permit. The respondent registered a case in Crime No.286 of 2023 for the offence under Sections 379 of IPC r/w Section 21(1), 21(2) 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.5123 of 2023, before the Principal District and Sessions Court, Trichy, for return of vehicle and the same was allowed on 10.10.2023, with certain conditions.



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3. The learned Sessions Judge, while granting the order of return of vehicle, imposed the conditions upon the petitioner. One of the conditions (1) is that '*the petitioner shall deposit a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) before the District Mineral Foundation Trust, Tiruchirappalli, as non-refundable deposit.*

4. The grievance of the learned counsel for the petitioner is 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.75,000/-(Rupees Seventy Five Thousand only) before the District Mineral Foundation Trust, Tiruchirappalli, as non-refundable deposit. He further submitted that in the very same case, the co-accused were deposited part of the amount as per the direction of this Court, while hearing the anticipatory bail petition. Therefore, 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.



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6. The main grievance of the petitioner is that the vehicle was manufactured in the year 2010 and the condition imposed by the learned Principal District and Sessions Court, Trichy, in directing the petitioner to deposit a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) before the District Mineral Foundation Trust, Tiruchirappalli, as non-refundable deposit 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 Principal District and Sessions Court, Trichy, made in Cr.M.P.No.5123 of 2023, dated 10.10.2023 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 District Mineral Foundation Trust, Tiruchirappalli, as non-refundable deposit within a period of three weeks from the date of receipt of copy of this order. The other conditions (2) to (11) shall remain unaltered.

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

**19.10.2023**

Index : Yes/No  
Internet : Yes/No  
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To:-

1. The Principal District and Sessions Court,  
Trichy.
2. The Inspector of Police,  
Samayapuram Police Station,  
Trichy District.
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.



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**P.VADAMALAI,J**

tta

ORDER MADE IN  
**Crl.R.C.(MD)No.1171 of 2023**

**19.10.2023**