



Crl.R.C.(MD)No.1214 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.1214 of 2023

Sri Saravana Stone Crusher
represented by its Partner,
Chellamuthu,
Kangeyam,
Tiruppur District.

... Petitioner

Vs.

State represented by
The Sub Inspector of Police,
Thennilai Police Station,
Thennilai,
Karur District.

... Respondent

Prayer : This Criminal Revision has been filed under Sections 397 r/w 401 of Criminal Procedure Code, to call for records relating to the order passed in Crl.M.P.No.1699 of 2023, dated 18.10.2023 on the file of the Principal District and Sessions Judge, Karur and to modify the conditions imposed in 1st condition to surrender the original R.C.Book and Smart Card and to deposit a non-refundable fund of Rs.1,00,000/- to the credit of District Minerals Federation Trust, Karur (State Bank of India, Thanthonimalai Branch A/c.No.40105426363).



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

ORDER

This Criminal Revision Petition is filed to call for records relating to the order passed in Crl.M.P.No.1699 of 2023, dated 18.10.2023 on the file of the Principal District and Sessions Judge, Karur and to modify the conditions imposed in 1st condition to surrender the original R.C.Book and Smart Card and to deposit a non-refundable fund of Rs.1,00,000/- to the credit of District Minerals Federation Trust, Karur (State Bank of India, Thanthonimalai Branch A/c.No.40105426363).

2. The learned counsel for the revision petitioner submitted that the petitioner is the owner of the Tipper lorry bearing Registration No.TN-11-R-9815. On 16.09.2023 at about 11.45 a.m., it is alleged that the petitioner's vehicle transported six units of ordinary stone without any valid license or permit. Therefore, the respondent police registered a case in Crime No.144 of 2023 for the offence under Sections 379 of IPC and Section 21(1)(a)(b) of Mines and Minerals (Development and Regulation) Act, 1957. The petitioner as the owner



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of the vehicle filed a petition under Sections 451 r/w 457 of Cr.P.C in CrI.M.P.No. 1699 of 2023, before the Principal District and Sessions Judge, Karur District, for return of vehicle and the same was allowed on 18.10.2023, with certain conditions.

3. The learned 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 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) to the credit in District Minerals Foundation Trust, Karur (State Bank of India, Thanthonimalai Branch A/c.No.40105426363) 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, 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



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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 Minerals Foundation Trust, Karur, as non-refundable deposit. He further submitted that the original R.C book and Smart Card were already deposited before the District Munsif cum Judicial Magistrate Court, Aravakurichi, Karur District. Therefore, the petitioner could not surrender the original R.C.Book and Smart Card 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 2016 and the condition imposed by the learned 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 Minerals Foundation Trust, Karur, as non-refundable deposit is onerous and the original R.C. Book and Smart Card were already deposited before the District Munsif cum Judicial Magistrate Court, Aravakurichi, Karur District.



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7. The learned Government Advocate (Crl.side) also fairly conceded that the original R.C.Book and Smart Card were already deposited by the petitioner in another case in Crime No.297 of 2021 for the offence under Sections 379 and 302 of IPC., before the learned Judicial Magistrate, Aravakurichi, Karur District.

8. 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 Crl.M.P.No.1699 of 2023, dated 18.10.2023 is modified in respect of the condition No.(i) alone and it is modified to the effect that the petitioner is directed to deposit non-refundable fund for a sum of Rs.40,000/-(Rupees Forty Thousand only) to the credit in District Minerals Foundation Trust, Karur (State Bank of India, Thanthonimalai Branch A/c.No.40105426363) 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, shall be returned to the petitioner on interim custody. Since the original R.C. Book and Smart Card have already deposited before the learned Judicial Magistrate, Aravakurichi,



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Karur District, the production of R.C.Book and Smart Card are dispensed with.

The other conditions (ii) to (vi) shall remain unaltered.

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

21.11.2023

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

To

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



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P.VADAMALAI, J

VSD

ORDER MADE IN
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