



CrI.R.C.(MD).No.1319 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 01.12.2023

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THE HONOURABLE MR. JUSTICE P.VADAMALAI

CrI.R.C.(MD).No.1319 of 2023

Prince Rajan

.. Petitioner

Vs.

**State Rep. by
The Inspector of Police,
Kotticode Police Station,
Kanyakumari District.**

... Respondents

PRAYER: This Criminal Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to call for the records and set aside the condition No.(i) imposed in Cr.M.P.No.47 of 2023 dated 04.05.2023 on the file of the Vacation Sessions Judge/Additional District and Sessions Judge, Padmanabhapuram directing the petitioner to deposit a sum of Rs.1,00,000/- by deleting the same.

**For Petitioner : Mr.R.Ilayaraja
For Respondents : Mr.S.Manikandan
Government Advocate (CrI. Side)**

ORDER

This Criminal Revision is filed to call for the records and set aside the condition No.(i) imposed in Cr.M.P.No.47 of 2023 dated 04.05.2023 on the



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file of the Vacation Sessions Judge/Additional District and Sessions Judge, Padmanabhapuram directing the petitioner to deposit a sum of Rs.1,00,000/- by deleting the same.

2. The learned counsel for the revision petitioner submitted that the petitioner is the owner of the Mahindra Nissan Tembo, bearing Registration No.TN-74K-2683. On the date of occurrence (i.e) on 17.01.2023, it is alleged that the petitioner's vehicle transported Black Stone without any valid permit. The respondent registered a case in Crime No.06 of 2023 for the offence under Section 379 of IPC. The petitioner as the owner of the vehicle filed a petition under Section 451 of Cr.P.C in Crl.M.P.No.47 of 2023, before the Vacation Sessions Judge/Additional District and Sessions Judge, Padmanabhapuram, for return of vehicle and the same was allowed on 04.05.2023, with certain conditions.

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.1,00,000/- (Rupees One Lakh only) before the Judicial Magistrate No.I, Padmanabhapuram.”*



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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.1,00,000/-(Rupees One Lakh only) before the Judicial Magistrate No.I, Padmanabhapuram. 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.

6. The main grievance of the petitioner is that the vehicle was manufactured in the year 2006 and the condition imposed by the learned Vacation Sessions Judge/Additional District and Sessions Judge, Padmanabhapuram, in directing the petitioner to deposit a sum of Rs.1,00,000/- (Rupees one Lakh only) before the learned Judicial Magistrate No.I, Padmanabhapuram 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



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Sessions Judge/Additional District and Sessions Judge, Padmanabhapuram made in Cr.M.P.No.47 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.30,000/-(Rupees Thirty Thousand only) before the District Mineral Foundation Trust, Kanniyakumari District, as non-refundable deposit within a period of three weeks from the date of receipt of copy of this order. The other conditions (ii) to (vii) shall remain unaltered.

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

01.12.2023

Index : Yes / No
Internet : Yes / No
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To,

1.The Inspector of Police,
Kotticode Police Station,
Kanyakumari District.

2.learned Vacation Sessions Judge/Additional District and Sessions Judge,
Padmanabhapuram.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P.VADAMALAI, J

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