



Crl.R.C.(MD).No.1342 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 06.12.2023

CORAM

**THE HONOURABLE MR. JUSTICE P.VADAMALAI**

Crl.R.C.(MD).No.1342 of 2023

S.Jeyaseelan

.. Petitioner

*Vs.*

State rep. by  
The Inspector of Police,  
Sivanthipatti Police Station,  
Tirunelveli District.

... Respondent

**PRAYER:** This Civil Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to call for the records relating to the impugned order passed by the learned Principal Sessions Judge, Tirunelveli in Cr.M.P. No.11754 of 2023 dated 17.11.2023 and modify the condition No.2.

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



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## **ORDER**

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This Criminal Revision is filed to call for the records relating to the impugned order passed by the learned Principal Sessions Judge, Tirunelveli in Cr.M.P. No.11754 of 2023 dated 17.11.2023 and modify the condition No.2.

2. The learned counsel for the revision petitioner submitted that the petitioner is the owner of the JCB Excavator Vehicle, bearing Engine No. 84887305, Chasis No.PUNJD14ATK2576153. On the date of occurrence (i.e) on 07.07.2022, based on the secrete information, the police officials went to the quarry, where in accused persons illegally transported Blue Stone without any valid permit. The respondent registered a case in Crime No.111 of 2022 for the offence under Sections 147, 294(b), 307, 353, 506(2), 379 of IPC and Section 21(1) Mines and Minerals (Development & Regulation) Act 1957. The petitioner as the owner of the vehicle filed a petition under Section 451 of Cr.P.C in Cr.M.P.No.11754 of 2023, before the learned Principal Sessions Judge, Tirunelveli, for return of vehicle and the same was allowed on 17.11.2023, 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 (2) is that “*the petitioner shall deposit a sum of Rs.50,000/- (Rupees fifty*



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*thousand only) to the credit of Crime No.III of 2022 on the file of Sivanthipatti Police Station before the Judicial Magistrate Court No.III, Tirunelveli without prejudice to his rights and contentions before the trial Court”.*

4. The grievance of 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.50,000/-(Rupees One Lakh only) before the Judicial Magistrate Court No.III, Tirunelveli. 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 learned counsel for the petitioner further submitted that the petitioner gave his vehicle to one Vincent Raj for rent and the petitioner has also given some amount to the said Vincent Raj by obtaining loan. The said Vincent Raj has not paid the due amount and also not returned the petitioner's money and implicated the petitioner's vehicle in the above said offence. The main grivence of the petitioner is that condition imposed by



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the learned Principal Sessions Judge, Tirunelveli, in directing the petitioner to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) before the learned Judicial Magistrate No.III, Tirunelveli, 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 Sessions Judge, Tirunelveli, made in Cr.M.P.No.11754 of 2023, dated 17.11.2023 is modified in respect of the condition No.(2) 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) to the credit of Crime No. 111 of 2022 on the file of Sivanthipatti Police Station before the Judicial Magistrate Court No.III, Tirunelveli, as non-refundable deposit within a period of three weeks from the date of receipt of copy of this order. The other conditions (1) and (3) to (7) shall remain unaltered.

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

**06.12.2023**

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

1. The Principal Sessions Court, Tirunelveli
2. The Inspector of Police,  
Sivanthipatti Police Station,  
Tirunelveli District.



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**P.VADAMALAI, J**

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**06.12.2023**