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Crl.R.C.(MD).No.354 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 04.04.2024

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.R.C(MD). No.354 of 2024

Sountharapandi

... Petitioner

Vs.

The State of Tamilnadu
through The Inspector of Police,
Manamadurai Police Station,
Crime No.110/2024

... Respondent

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to call for the entire relevant records and set aside the 5th condition in the impugned order passed by the Learned Judicial Magistrate Court, Manamadurai in Cr.M.P.No.1248 of 2024, dated 20.03.2024, and allow this Criminal Revision Petition with direction to accept the Ready to file undertaking Affidavit with sufficient sureties by petitioner to produce Original Registration certificate for new vehicle after obtaining from Regional Transport office, Sivagangai before the learned Judicial Magistrate Court, Manamadurai in P.R.No.60 of 2024 in Crime No.110 of 2024, within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Senthilkumar

For Respondent : Mr.M.Muthumanikkam,
Government Advocate(Crl.Side)



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ORDER

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This Criminal Revision Case has been filed against the condition No.V imposed on the petitioner in Cr.M.P.No.1248 of 2024, dated 20.03.2024, by the Learned Judicial Magistrate Court, Manamadurai.

2.The petitioner purchased a New Holland Tractor in Model No.3630 4WD, Vide Engine No.426840DX in Chassis No:NHN36300ZPL675689 from Royal Ford Company, Paramakudi, Ramanathapuram District-623707. On 06.03.2024, the petitioner's vehicle is found to be involved in the commission of offences under Sections 379 of IPC and 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.110 of 2024. The ssaid new vehicle was numbered as P.R.No.60 of 2024 by the learned Judicial Magistrate Court, Manamadurai.

3.Pending investigation, the petitioner filed Crl.M.P.No.1248 of 2024, on the file of the learned Judicial Magistrate Court, Manamadurai, under Section 451 of Criminal Procedure Code 1973, to return the vehicle for interim custody.



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4.The learned Judicial Magistrate Court, Manamadurai, allowed the petition filed by the petitioner with the following conditions:

1.The petitioner shall execute a bond for sum of Rs.5,00,000/- (Five Lakh Only) with two sureties for the like sum each to the satisfaction of this Court.

2.The petitioner shall produce the photograph of the vehicle showing its four sides with due certificate under Section 65 B (4) of the Indian Evidence Act.

3.The petitioner shall not alter the character and nature of the vehicle except by carrying necessary repairs to make the vehicle road worthy.

4.The petitioner shall file an affidavit of undertaking to the effect that he will cause production of vehicle in question before the competent Court as and when called for and further, he will not alienate the vehicle in question till the appropriate proceedings to be initiated or completed.

5.The petitioner having specified that the registration process not yet having been proceeded with, taking the said factor into consideration the petitioner shall deposit a sum of Rs.2,50,000/- (refundable) in lieu until the registration certificate is provided with to the Tractor. On completing the registration process within a stipulated period of three months. From the date of obtaining interim custody of the vehicle, the petitioner shall surrender the registration certificate of the tractor to this Court at that point the petitioner shall be entitled to claim the refund of the amount so deposited if any in consonance to this order. In event of failure to comply as to surrender of registration certificate, the amount if so deposited will be liable to confiscation.

Challenging the fifth condition imposed on the petitioner in Crl.M.P.No.1248 of 2024, by the learned Judicial Magistrate Court, Manamadurai, the petitioner has



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filed this Criminal Revision Case.

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5.The learned counsel appearing for the petitioner submitted that the condition No.5 is onerous condition and the value of the tractor itself is around Rs.2,00,000/-. Even though it is refundable, the condition is onerous one. Hence, he seeks to allow this case.

6.The learned Government Advocate (Crl.Side) submitted that considering the over all facts, the learned trial judge imposed the said condition. It is refundable and the condition is in accordance with law. Even in the case of ***Sunderbhai Ambalal Desai Vs. State of Gujarat*** reported in ***2003 (1) CTC 175***, the Hon'ble Supreme Court has held that while granting relief of interim custody, reasonable conditions are to be imposed. Therefore, the Court below has imposed reasonable conditions and hence, he seeks for dismissal of this Criminal Revision Case.

7.This Court considered arguments of the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record and the impugned



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order.

8.The petitioner's vehicle is involved in the illegal transportation of the sand and also the learned trial Judge considering the facts of the case, imposed a condition No.5 and it is in accordance with law as held by the Hon'ble Supreme Court in the case of ***Sunderbhai Ambalal Desai Vs. State of Gujarat*** reported in ***2003 (1) CTC 175***. Hence, this Court finds no merit to interfere with the same.

9.Accordingly, this Criminal Revision Case is dismissed and the condition No.V, imposed on the petitioner in Cr.M.P.No.1248 of 2024, dated 20.03.2024, by the learned Judicial Magistrate Court, Manamadurai, is hereby confirmed.

04.04.2024

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

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To

1. The Learned Judicial Magistrate,
Manamadurai.
2. The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
4. The Section Officer,
Criminal Section(Records),
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

vsg

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