



CrI.R.C.(MD)No.12 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 05.01.2024

CORAM

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

CrI.R.C.(MD)No.12 of 2024

S.Chandran

.. Petitioner

Vs.

State Rep. by

The Inspector of Police,
Mayanoor Police Station,
Kulithalai,
Karur.

... Respondent

PRAYER : Criminal Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to call for the records relating to the order passed by the learned Principal District Court at Karur in CrI.M.P.No.331 of 2020 dated 27.07.2020 in Crime No.331 of 2018 and allowing the petition filed under Section 451 of Cr.P.C., 1973 (as amended) may be pleased to modify the condition (i) imposed by the



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learned Principal District Court, Karur in Crl.M.P.No.331 of 2020 and
allow this Criminal Revision Petition.

For Petitioner : Mr.T.Dhamodharan

For Respondent : Mr.A.Thiruvadi Kumar,

Additional Public Prosecutor

ORDER

This Criminal Revision is filed to set aside the condition No.(i) imposed on the petitioner in Crl.M.P.No.331 of 2020 dated 27.07.2020 on the file of the Principal District Court, Karur.

2. The learned counsel for the revision petitioner submitted that the petitioner is the owner of the lorry, bearing Registration No.TN-45-Z-1955 and the said vehicle was involved in the theft of river sand. The respondent police registered a case in Crime No.331 of 2018 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.331 of 2020, before the Principal District Court, Karur, for



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return of his vehicle and the same was allowed on 22.07.2020, with certain conditions.

3. The learned Sessions Judge, while passing the order imposed certain conditions upon the petitioner, wherein, one of the condition is that “(i) *the petitioner has been directed to surrender the original RC book and also to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) before the concerned Court in Crime No.331 of 2018 of Mayanur Police Station and on compliance of the condition, the above vehicle which was remanded in R.P.14 of 2019 of the learned Judicial Magistrate No.II, Kulithalai, shall be returned to the petitioner on interim custody*”. Aggrieved over the same, the present Criminal Revision Case has been filed.

4. The learned counsel for the petitioner submitted that the petitioner's vehicle is not involved in the aforesaid 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 learned Judicial Magistrate No.II, Kulithalai,



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and therefore, pleaded before this Court to set aside the said condition.

5. Heard Mr.T.Dhamodharan, learned counsel appearing for the petitioner and Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor appearing for the State.

6. The main grievance of the petitioner is that the vehicle was manufactured in the year 1990 and the condition imposed by the learned Sessions Judge, Karur, in directing the petitioner to deposit a sum of Rs.1,00,000/- (Rupees one Lakh only) before the learned Judicial Magistrate No.II, Kulithalai, for return of the said vehicle is onerous.

7. Considering the above facts and circumstances of the case and also taking into account, the oldness of the vehicle, the order of the learned Principal Sessions Judge, Karur, made in Cr.M.P.No.331 of 2020, dated 27.07.2020 is modified in respect of the condition No.(i) alone and accordingly, it is modified to the effect that the petitioner



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shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.331 of 2023 on the file of Mayanur Police Station before the Judicial Magistrate Court No.II, Kulithalai, as a non-refundable deposit, within a period of three weeks from the date of receipt of a copy of this order. The other conditions imposed by the Court below shall remain intact.

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

05.01.2024

Index : Yes / No

Internet : Yes / No

NCC : Yes / No

RM



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1.The Principal Sessions Court,
Karur.

2.The Judicial Magistrate Court No.II,
Kulithalai.

To

1.The Inspector of Police,
Mayanoor Police Station,
Kulithalai,
Karur.

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



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VIVEK KUMAR SINGH, J.

RM

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