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Crl.R.C(MD)No.1415 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 20.12.2023

Pronounced on : 05.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Crl.R.C(MD)No.1415 of 2023

S.Russel Raj

... Petitioner

Vs.

State Rep. through
The Inspector of Police,
Samayapuram Police Station,
Trichy District.
(Crime No.67 of 2020)

... Respondent

PRAYER : This Criminal Revision has been filed under Sections 397 r/w 401 of Criminal Procedure Code, to call for the records relating to the impugned order passed by the Principal District and Sessions Court, Thiruchirappalli in Cr.M.P.No.4619 of 2023, dated 20.09.2023 and modify the condition Nos.1, 2 and 11.

For Petitioner : Mr.M.Sheik Abdullah

For Respondent : Mr.K.Sanjay Gandhi
Government Advocate (Crl.side)



ORDER

WEB COPY This Criminal Revision Case is filed to modify the condition Nos. 1, 2 and 11 passed in the order, dated 20.09.2023 in Cr.M.P.No.4619 of 2023 on the file of the Principal District and Sessions Judge, Tiruchirappalli.

2.The brief facts of the case:

The revision petitioner is the owner of the vehicle Taurus lorry bearing registration No.TN 19 B 7579. It was alleged by the respondent police that the said vehicle was used for illegal transport of river sand and the same was seized on 12.03.2020 for case registered in Crime No. 67 of 2020 punishable under Section 379 of IPC and under Section 21(1) of Mines and Minerals Development and Regulation Act, 1957. The vehicle was seized by the respondent police and the same is kept with respondent police in the open place thereby it will be ruined due to sunlight, rain, air and natural calamities. The petitioner's vehicle was not used for the alleged offence and false case has been registered against the petitioner. The petitioner filed the petition in Cr.M.P.No.4619 of 2023 before the Principal District and Sessions Court, Tiruchirappalli for return of property. The petition was resisted by the respondent police.



After hearing both the Principal District and Sessions Judge, Tiruchirappalli allowed the petition on 20.09.2023 with 11 conditions.

Being aggrieved by the conditions 1, 2 and 11 viz.,

1.The petitioner shall deposit a sum of Rs.75,000/- before the District Mineral Foundation Trust, Tiruchirapalli, as non-refundable deposit.

2.The petitioner shall execute a bond for a sum of Rs.15,00,000/- with two sureties for a like sum each to the satisfaction of the Judicial Magistrate No.III, Tiruchirapalli and

11. The petitioner shall produce the petition mentioned vehicle before the Judicial Magistrate No.III Tiruchirappalli on 1st working day of every English Calendar month

the petitioner preferred this Criminal Revision Case for modification of the above conditions.

3. Heard both side and perused the records in this Criminal Revision Case.

4. The learned counsel appearing for the revision petitioner has submitted that the petitioner's vehicle was seized in the year 2020. The petitioner is the owner of the Tarus lorry and by letting the same to rent the petitioner is leading his livelihood. Due to business loss due to



Corona pandemic and its after effect, the petitioner has no sufficient income and the vehicle is kept from 12.03.2020. Hence, the petitioner seeks to reduce the deposit of sum as directed by the trial Court in condition No.1. So also regarding condition No.2, the owner of the lorry is poor economically and does not have solvency or contact of persons who can offer surety for a sum of Rs.15,00,000/- and the same may be relaxed to minimum. Regarding condition No.11, the petitioner has to produce the vehicle on 1st working day of every month. The petitioner is residing in Kanniyakumari District and he has to travel 6 hours and for abiding condition he has to drive 750 k.m on road towards up and down. So, the condition may be relaxed.

5. The learned Government Advocate (Crl.side) for the respondent submitted that the petitioner's vehicle was used for illegal transport of river sand. He has not raised serious objection in modifying the conditions.

6. On hearing both, it is clear that the petitioner is the owner of the vehicle. The petitioner's vehicle was ordered to be returned on certain conditions. The petitioner aggrieved with the condition Nos.1, 2 and 11 as stated above. The petitioner submits that the vehicle was seized on



12.03.2020 and thereafter due to Covid-19 pandemic he has not sufficient income as he maintained his livelihood by letting the vehicle for rent. Further, he submits that there is no surety available to execute bond for Rs.15 lakhs. Further, he submits that the petitioner is residing in Kanniyakumari District and he has to travel 6 hours and for abiding condition he has to drive 750 k.m on road towards up and down. The learned Government Advocate (Crl.side) has not raised any serious objections in modifying the above conditions. Considering the above circumstances, this Court is inclined to modify the condition Nos.1 and 2 and 11.

7.In the result, the Criminal Revision Case is allowed and the condition Nos.1, 2 and 11 passed in the order dated 20.09.2023 in Cr.M.P.No.4619 of 2023 on the file of the learned Principal District and Sessions Judge, Tiruchirappalli is modified as follows:

(1) The petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) before the District Mineral Foundation Trust, Tiruchirappalli as non-refundable deposit.

(2) The petitioner shall execute a bond for a sum of Rs.5,00,00/- (Rupees Five lakhs only) with two sureties for a like sum each to the satisfaction of the learned Judicial Magistrate No.III, Tiruchirappalli.



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(3) As regards, the condition No.11 that the petitioner shall produce the petition mentioned vehicle before the learned Judicial Magistrate No.III, Tiruchirappalli / before the trial Court as and when specifically ordered by the concerned Court. In respect of other conditions, the order of the trial Court, shall remain unaltered.

05.02.2024

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

To

- 1.The Principal District and Sessions Court,
Thiruchirappalli.
- 2.The Inspector of Police,
Samayapuram Police Station,
Trichy District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.VADAMALAI, J.

VSD

Pre - Delivery Order made in
Crl.R.C(MD)No.1415 of 2023

05.02.2024