



Crl.R.C(MD)No.29 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 30.04.2024

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CORAM :

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.R.C(MD)No.29 of 2024

Suresh

.. Petitioner/Petitioner

Vs.

The State Rep. by
Inspector of Police,
Airport Police Station,
Trichy District.
(In Crime No.305 of2022)

.. Respondent/Respondent

PRAYER: Criminal Revision filed under Section 397 r/w 401 of the Criminal Procedure Code, to set aside the order passed in Cr.M.P.No.4933 of 2023, dated 05.10.2023 of the Principal District and Session Judge, Tiruchirappalli and relax the condition No.11 imposed in the Cr.M.P.No.2054 of 2022 dated 30.04.2022.

For Petitioner : Mr.N.Anandakumar

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

ORDER

The Petitioner has filed this petition to set aside the order passed in Cr.M.P.No.4933 of 2023, dated 05.10.2023 of the Principal District and Session Judge, Tiruchirappalli and relax the condition No.11, imposed in the Cr.M.P.No.2054 of 2022 dated 30.04.2022.



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2. The petitioner is the owner of the TATA Benz Tipper Lorry bearing Registration No.TN-45-BP-3631. According to the petitioner, the petitioner's vehicle is said to have been involved for the offence under Sections 379 of IPC and r/w Section 21(1) of the Mines and Minerals (Development and Regulations) Act 1957 and the petitioner is also implicated as an accused and he was granted Anticipatory Bail in Crl.O.P.(MD).No.9261 of 2022, dated 18.05.2022 by this Court.

3. Pending investigation, the petitioner filed Crl.M.P.No.2054 of 2022, on the file of the learned Principal Sessions Judge, Tiruchirappalli District, under Section 451 of Criminal Procedure Code 1973, to return the vehicle for interim custody.

4. The learned Principal District and Sessions Judge, Tiruchirappalli, allowed the petition filed by the petitioner with the following conditions:

1.The petitioner shall deposit a sum of Rs.20,000/- (Rupees Twenty Thoudand Only) before the District Mineal Foundation Trust, Tiruchirappalli, as non-refundable deposit.

2.The petitioner shall execute a bond for a sum of Rs.10,00,000/- with two sureties for a like sum each to the satisfaction of the Judicial Magistrate No.VI, Tiruchirappalli.



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3.The petitioner shall file an affidavit of undertaking that, he shall not use this vehicle for any offence.

4.The petitioner shall file an affidavit of undertaking that he will not indulge any such activities by using this vehicle.

5.If such vehicle is used in any similar activities it will be confiscated to the State.

6.The petitioner shall neither sell nor encumber this vehicle.

7.No alteration, shall be made in the vehicle, except doing repair works to run the vehicle.

8.The petitioner shall produce all the documents of ownership and surrender the original R.C.Book before the concerned Judicial Magistrate.

9.The petitioner shall co-operate with the investigation and shall produced the vehicle when even ordered, by a Court.

10.The Judicial Magistrate No.VI, Tiruchirappalli shall intimate the execution of the bonds and the remittance of the non-refundable deposit, to the respondent police immediately, to release the vehicle and also intimate the concerned RTO not to transfer, the ownership of the vehicle to any other third party till the disposal of the case.

11.The petitioner shall produce the petition mentioned vehicle before the Judicial Magistrate No.VI,



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*Tiruchirappalli on 1st working day of every English
calender Month.*

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Challenging the eleventh (11) condition imposed on the petitioner in Crl.M.P.No.4933 of 2023, by the learned Principal District and Sessions Judge, Tiruchirappalli, the same was dismissed on 05.10.2023. As against the same, the petitioner has filed this Criminal Revision Case.

5. The learned counsel for the petitioner submits that the petitioner is complying with the conditions regularly. The learned counsel further submits that the petitioner was engaged in various contract work and because of his contract work, it is difficult to comply with the condition and he is losing his business opportunity in the first week of every month, and hence, he prayed to relax the condition.

6. The learned Government Advocate(Crl.Side) submits that petitioner is not complying with the conditions imposed by this Court regularly and hence, the conditions may be modified once in three months.

7. Heard Mr.N.Anandakumar, learned counsel for the petitioner and Mr.M.Muthumanikkam, learned Government Advocate(Crl.Side), appearing for the State.



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8. This Court does not find any hardship in the said condition. The trial Court has imposed the said condition to ensure that the vehicle is not driven away. However, considering the submissions made by the learned counsel for the petitioner that the petitioner is losing his business opportunity in the first week of every month, the said condition is modified to the effect that the petitioner herein shall produce the vehicle before the trial Court once in every three months. Except this modification, all the other conditions stands confirmed.

9. With the above modification, this Criminal Revision Case stands disposed of

30.04.2024

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

sbn



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To

- 1.The Principal District and Session Judge,
Tiruchirappalli
2. Inspector of Police,
Airport Police Station,
Trichy 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.

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