



Crl.R.C.(MD)No.13 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.01.2025

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THE HONOURABLE MR.JUSTICE P.VADAMALAI

Crl.R.C.(MD)No.13 of 2025

Jeyaraman

... Petitioner

Vs.

State rep.by
The Sub Inspector of Police,
Chekkanoorani Police Station,
Madurai District.
(Crime No.487 of 2022)

... Respondent

PRAYER : Criminal Revision Petition filed under Section 438 r/w 442 of BNSS, to call for the records pertaining to the order passed in Cr.M.P.No.2014 of 2024 dated 26.06.2024 on the file of the learned Special District Judge, MMDR Court, Madurai District and modify the condition No.VII which is onerous.

For Petitioner : Mr.K.Muthurakkan

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor



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ORDER

The present Criminal Revision Case has been filed to set aside the condition No.VII of the order, dated 26.06.2024, in Cr.M.P.No.2014 of 2024 passed by the learned Special District Judge to Deal with the Cases of Offenses in Contravention of the Provisions of the Mines & Minerals (D&R) Act, 1957, Madurai.

2. The petitioner is the owner of the vehicle Tipper Lorry bearing Registration No.TN-74-Q-5037, and has filed a petition under Section 451 of Cr.P.C. before the learned Special District Judge to Deal with the Cases of Offenses in Contravention of the Provisions of the Mines & Minerals (D&R) Act, 1957, Madurai in Cr.M.P.No.2014 of 2024 seeking interim custody of the vehicle. The learned Judge, after hearing both the sides, allowed the petition and granted interim custody of the vehicle to the petitioner on the following conditions :

“(i) The Original Registration Certificate of the Tipper Lorry bearing Registration No.TN-74-Q-5037, Chasis No.357130EXZ807966, Engine No. 497SPTC31EXZ873591 shall be deposited into the Court of the Learned Judicial Magistrate-II, Usilampatty until further orders in this regard;



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(ii) *Before the returning the vehicle shall be prepared by the Court of the Learned Judicial Magistrate-II, Usilampatty in Form No.82 of the Criminal Rules of Practice, 2019 as enumerated under Rule 257 of the said Rules;*

(iii) *The Petitioner-Accused-Owner of the vehicle shall photograph, the Tipper Lorry bearing Registration No.TN-74-Q-5037, Chasis No.357130EXZ807966, Engine No.497SPTC31EXZ873591 and produce the same before the Court of the Learned Judicial Magistrate-II, Usilampatty that shall be duly certified by the learned counsel appearing for the petitioner-owner of the vehicle;*

(iv) *The Petitioner-Accused-Owner shall not make any alteration of the vehicle;*

(v) *The Petitioner-Accused-Owner herein shall not pledge or alienate the vehicle or create any kind of encumbrances over the same;*

(vi) *The Petitioner-Accused-Owner is also directed to file an affidavit before the Court of the Learned Judicial Magistrate-II, Usilampatty to the effect that he shall never alienate or alter the vehicle in any manner till the disposal of the case.*



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(vii) *The Petitioner-Accused-Owner shall deposit a sum of cash surety of Rs.1,00,000/- into the Court of the Learned Judicial Magistrate-II, Usilampatty to the credit of this case and also execute a bond for a sum of Rs.1,00,000/- along with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate-II, Usilampatty.*

(viii) *The Petitioner-vehicle owner shall produce the vehicle before the Court of the Learned Judicial Magistrate, Usilampatty on the first working day of every month till the disposal of the case.”*

3. The learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle viz. Tipper Lorry bearing Registration No.TN-74-Q-5037. The model of the said vehicle is of the year 2006 and the market value of the said vehicle would now only come to Rs.3,00,000/- (Rupees Thirty Lakhs only). Without considering both the model and cost of the vehicle, the learned Magistrate has imposed an onerous condition, which the petitioner is not in a position to adhere to. Hence, he prays this Court to modify the aforesaid condition No.VII imposed by the trial Court.



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4. The learned Additional Public Prosecutor appearing for the respondent has not raised any serious objection to the submission made by the learned counsel for the petitioner.

5. Considering the facts and circumstances of the case, and also considering the submissions made by both the sides, this Court is inclined to modify the condition No.VII of the order passed by the learned Special District Judge to Deal with the Cases of Offenses in Contravention of the Provisions of the Mines & Minerals (D&R) Act, 1957, Madurai in Cr.M.P.No.2014 of 2024 dated 26.06.2024.

6. Accordingly, this Criminal Revision Case is allowed, and the condition No.VII imposed by the trial Court is hereby set aside and the same is modified as follows :

“ (vii) The Petitioner-Accused-Owner shall deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) as cash surety before the learned Judicial Magistrate-II, Usilampatty to the credit of this case and also execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) along with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate-II, Usilampatty.”



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7. All other conditions imposed by the trial Court shall remain unaltered.

07.01.2025

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

- 1.The learned Special District Judge to Deal with the Cases of Offenses in Contravention of the Provisions of the Mines & Minerals (D&R) Act, 1957, Madurai.
- 2.The Sub Inspector of Police, Chekkanoorani Police Station, Madurai District.
- 3.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.



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P.VADAMALAI, J.

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