

HIGH COURT OF MADRAS**Dated: 22nd January 2024****CORAM: THE HONOURABLE MR. JUSTICE VIVEK KUMAR SINGH**

Crl.R.C.(MD) No.43 of 2024

Parthiban ...PETITIONER**Vs.****State Rep. by The Inspector of Police, Chinnadharapuram Police Station, Karur District. ...RESPONDENT**

(In Crime No.146/2023)

Legislation:

Sections 397 and 401 of the Criminal Procedure Code (Cr.P.C.), Sections 379 and 21(1) of the Indian Penal Code (IPC), Section 451 of Cr.P.C.

Subject: Criminal Revision Case challenging the conditions imposed for the interim return of a vehicle seized in a theft case - Reduction of the deposit amount required for the release of the vehicle due to financial hardship and the petitioner's reliance on the vehicle for livelihood.**Headnotes:**

Background and Filing of Revision Petition – The petitioner's lorry was seized in connection with a stone theft case (Crime No. 146 of 2023) - Petitioner, being the owner, sought the vehicle's return under Section 451 Cr.P.C. - Challenged the conditions imposed by the Principal District and Sessions Judge, Karur, in Crl.M.P.No.1499 of 2023 dated 19.09.2023, specifically the deposit of Rs.1,00,000. [Para 1-4]

Grievance of Petitioner – Petitioner's dependency on the lorry for livelihood - Inability to deposit Rs.1,00,000 due to financial constraints - Only challenging condition No.1 regarding the deposit amount. [Para 4-6]

Court's Observation and Decision – Acknowledging the petitioner's livelihood dependence on the vehicle and his financial hardship - Modification of the condition to reduce the deposit amount to Rs.50,000 - Order of the Principal District and Sessions Judge partly modified - Other conditions remain intact. [Para 7-8]

Referred Cases: Not explicitly mentioned.

Representing Advocates:

Petitioner: Mr. K. Sivabalan

Respondent: Mr. A. Thiruvadi Kumar, Additional Public Prosecutor

ORDER

This Criminal Revision is filed to set aside the condition Nos.(i) and (ii) imposed on the petitioner in CrI.M.P.No.1499 of 2023 dated 19.09.2023 on the file of the learned Principal District and Sessions Judge, Karur.

2. The learned counsel for the revision petitioner submitted that the petitioner is the owner of the lorry, bearing Registration No.TN-46-M-7796 and the said vehicle was involved in the theft of ordinary stone. The respondent police registered a case in Crime No. 146 of 2023 for the offences under Sections 379 and 21(1) of IPC. The petitioner as the owner of the vehicle filed a petition under Section 451 of Cr.P.C in CrI.M.P.No.1499 of 2023, before the Principal District Court, Karur, for return of his vehicle and the same was allowed on 19.09.2023, 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 is directed to surrender the original R.C.Book and smart card before this Court and further, the petitioner is directed to deposit a non-refundable fund for a sum of Rs.1,00,000/- to the credit in District Minerals Foundation Trust, Karur (State Bank of India, Thanthonimalai branch A/c.No.40105426363) without prejudice to the defence to be taken by the*

petitioner in the criminal case and on such deposit and production of the receipt thereof and in compliance of the condition, the above vehicle which was remaned in R.P.No.33/2023 of the learned District Munsif-cum-Judicial Magistrate, Aravakurichi 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 though the petitioner prayed modifications on condition Nos.1 and 2 which were imposed on the petitioner, today, the learned counsel for the petitioner restrict his prayer in respect of condition No.1 regarding deposit of Rs.1,00,000/- (Rupees One Lakh only) alone. Learned counsel for the petitioner submits that if the vehicle is kept idle with the respondent, it will be deteriorated and the engine would fail to start. 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) in the account of District Minerals Foundation Trust, Karur and therefore, pleaded before this Court to set aside the said condition.
5. Heard Mr.K.Sivabalan, 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 petitioner has no other source of income for his survival except depending upon the lorry and the condition imposed by the learned Principal District and Sessions Judge, Karur, in directing the petitioner to deposit a sum of Rs.1,00,000/- (Rupees one Lakh only) in the account of District Minerals Foundation Trust, Karur, for return of the said vehicle is onerous.

7. Considering the above facts and circumstances of the case and also taking into account the livelihood of the petitioner, the order of the learned Principal District and Sessions Judge, Karur, made in Cr.M.P.No.1499 of 2023, dated 19.09.2023 is modified in respect of the condition No.(i) alone and accordingly, it is modified to the effect that the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit in District Minerals Foundation Trust, Karur, 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.

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