



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 25.04.2019
CORAM
THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI
Crl.RC(MD)No.200 of 2019

Thenmalaiyandi

: Petitioner/Petitioner

Vs.

The State through
the Sub Inspector of Police,
Saptur Police Station,
Madurai District.
(Crime No.165 of 2018)

: Respondent/Complainant

Prayer: This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to modify the 2nd condition imposed in the order, dated 01.02.2019 made in Cr.M.P.No.133 of 2019 by the District Munsif-cum-Judicial Magistrate, Peraiyur.

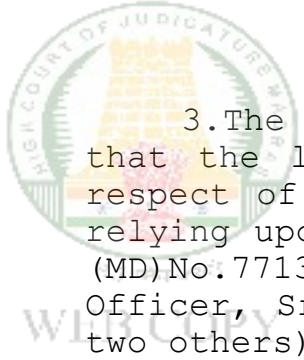
For Revision Petitioner : Mr.T.Vadivelan

For Respondent : Mr.A.Robinson
Government Advocate
(Criminal side)

O R D E R

The petitioner claims to be the owner of the Tractor bearing Registration No.TN-49-AX-9628 and the Trailer bearing registration No.TN-58-J-9409. On 11.11.2018, the respondent police intercepted the vehicle of the petitioner and seized the same on the allegation that it was used for carrying illegal red sand quarry without any valid permit and registered a case in Crime No.165 of 2018 under Section 379 IPC r/w 20(5) of Mines and Minerals (Development and Regulation) Act, 1957 and thereafter, the vehicle is in the custody of the Court in R.P.No.12 of 2019. Subsequently, the petitioner approached the District Munsif-cum-Judicial Magistrate, Peraiyur, by filing a petition for release of the Tractor and Trailer and the learned Judge allowed the petition filed by the petitioner in Crl.M.P.No.133 of 2019, dated 01.02.2019, by imposing the 2nd condition to the effect that the petitioner shall deposit a sum of Rs.50,000/- to the deposit of the Assistant Director of Mines and Minerals, Madurai District. Challenging the 2nd condition imposed by the trial court, the petitioner is before this Court with this criminal revision.

2.Heard the learned counsel appearing on either side and perused the materials available on record.



3.The learned counsel appearing for the petitioner submitted that the learned Judge failed to note several identical cases in respect of release of tractor, while imposing the 2nd condition, by relying upon the order of this court, dated 01.04.2019 made in W.P. (MD)No.7713 of 2019 (Sadachiyammal Vs. The Revenue Divisional Officer, Srirangam Revenue Division, Srirangam, Trichy District and two others).

4.A careful perusal of the order of this court, dated 01.04.2019 made in WP(MD)No.7713 of 2019 in the case of Sadachiyammal Vs. Revenue Division Officer, Srirangam Revenue Division, Srirangam, Trichy District, reveals that this court has imposed one of the conditions for releasing the vehicle is that the petitioner has to shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the concerned District Minerals Foundation Trust. Now, the only grievance of the petitioner is that the 2nd condition imposed by the learned Judicial Magistrate is onerous.

5.In view of that, this criminal revision is **allowed**. The order of the learned District Munsif-cum-Judicial Magistrate, Peraiyur, made in CrI.M.P.No.133 of 2019, dated 01.02.2019 is set aside in respect of the 2nd condition alone and it is modified to the effect that the petitioner shall deposit a sum of Rs.25,000/- before the Assistant Director of Mines and Minerals, Madurai District. In respect of other conditions, the order of the learned Judicial Magistrate shall remain unaltered.

Sd/-

Assistant Registrar (AE)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The District Munsif-cum-Judicial Magistrate,
Peraiyur, Madurai District.
 - 2.The Sub Inspector of Police,
Saptur Police Station,
Madurai District.
 - 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- +1cc to Mr.T.Vadivelan, Advocate, SR.No.62682

Order made in
CrI.R.C(MD)No.200 of 2019
25.04.2019

ER