



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2020

CORAM

THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI**

Crl.R.C(MD)No.21 of 2020

Thiruselvam

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.

2.The Tahsildar,
Ramanathapuram Taluk,
Ramanathapuram District.

3.The Inspector of Police,
Bazaar Police Station,
Ramanathapuram,
Ramanathapuram District.
(In Crime No.196 of 2019)

4.The Assistant Director,
Tamil Nadu Mines and Minerals,
Ramanathapuram,
Ramanathapuram District.

... Respondents

Prayer: This Criminal Revision filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to the order passed in Cr.M.P.No.3242 of 2019, dated 25.11.2019 on the file of the Principal District & Sessions Court, Ramanathapuram and modify the onerous conditions.

For Petitioner : Mr.T.Veerakumar

For Respondents : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl.side)

O R D E R

This petition has been filed to modify the onerous conditions imposed by the learned Principal Sessions Judge, Ramanathapuram in the order passed in Cr.M.P.No.3242 of 2019, dated 25.11.2019.



2.The petitioner claims to be the owner of the Tipper Lorry bearing Registration No.TN-32-T-1674. On 11.09.2019, the respondent police intercepted the vehicle of the petitioner and seized the same on the ground that it was used for carrying illegal sand without any valid permit and registered a case in Crime No.196 of 2019 under Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957. Subsequently, the petitioner has approached the learned Principal Sessions Judge, Ramanathapuram, by way of filing a petition in Cr.M.P.No.3242 of 2019 for release of the Tipper Lorry and the learned judge allowed the petition filed by the petitioner by order dated 25.11.2019, by imposing the 2nd condition to the effect that the petitioner shall deposit a sum of Rs.1,00,000/- to the credit of the District Minerals Foundation Trust, Ramanathapuram and the 5th condition to the effect that the petitioner is directed to produce the original R.C. Book at the time of furnishing sureties. Challenging the conditions imposed by the trial Court, the petitioner is before this Court with this criminal revision.

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

4.The only grievance of the petitioner is that the 2nd and 5th conditions imposed by the learned Principal Sessions Judge are onerous.

5.In view of that, this Criminal Revision is partly allowed. The order of the learned Principal Sessions Judge, Ramanathapuram, made in Cr.M.P.No.3242 of 2019, dated 25.11.2019 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.50,000/- (Rupees Fifty thousand only) to the credit of the District Minerals Foundation Trust, Ramanathapuram and the petitioner shall produce the receipt for the deposit of the same from the concerned Authority at the time of furnishing security before the trial Court. In respect of other conditions, the order of the learned Principal Sessions Judge shall remain unaltered.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

- 1.The Principal Sessions Judge,
Ramanathapuram.
 - 2.The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.
 - 3.The Tahsildar,
Ramanathapuram Taluk,
Ramanathapuram District.
 - 4.The Inspector of Police,
Bazaar Police Station,
Ramanathapuram,
Ramanathapuram District.
 - 5.The Assistant Director,
Tamil Nadu Mines and Minerals,
Ramanathapuram,
Ramanathapuram District.
 - 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- +1 CC to M/s.T.VEERA KUMAR, Advocate (SR-1090[F] dated 09/01/2020)

Crl.R.C(MD)No.21 of 2020

09.01.2020

vsd

SDS(10.02.2020) 3P-8C