



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2020

CORAM

WEB COPY

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

Crl.R.C(MD)No.115 of 2020

Hariharan

... Petitioner

Vs.

1.The Inspector of Police,
Nainarkoil Police Station,
Ramanathapuram District.
(Crime No.121 of 2019)

2.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.

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

4.The Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.

...Respondents/Complainants

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for records and set aside the order passed by the Principal Sessions Judge, Ramanathapuram, dated 02.01.2020 in Crl.M.P.No.4032 of 2019 in respect of the condition No.2 the petitioner shall deposit a sum of Rs.1,00,000/- (One lakh) to the credit of the District Minerals Foundation Trust, Ramanathapuram and allow the petition.

For Petitioner : Ms.A.Umavathi

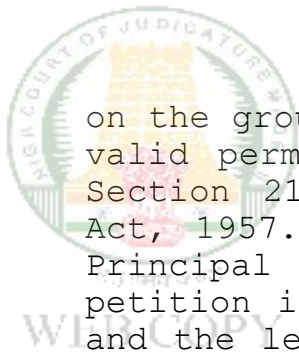
For Respondents : Mr.A.P.G.Ohm Chairma Prabhu

Government Advocate (Crl.side)

O R D E R

This petition has been filed to set aside order in respect of the 2nd condition imposed by the learned Principal Sessions Judge, Ramanathapuram in the order passed in Crl.M.P.No.4032 of 2019, dated 02.01.2020.

2.The petitioner claims to be the owner of the Tipper Lorry bearing Registration No.TN-63-BC-0466. On 19.09.2019, 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.121 of 2019 under Section 21(1) 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.4032 of 2019 for release of the Tipper Lorry and the learned judge allowed the petition filed by the petitioner by it order dated 02.01.2020, 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. Challenging the condition 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 condition imposed by the learned Principal Sessions Judge is 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.4032 of 2019, dated 02.01.2020 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 (AD II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsd

To

1.The Inspector of Police,
Nainarkoil Police Station,
Ramanathapuram District.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.

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

4.The Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.

5.The District Minerals Foundation Trust,
Ramanathapuram.

6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/s.A.Umavathi, Advocate, SR No.5042

CrI.R.C(MD)No.115 of 2020
06.02.2020

KK/SAR/07.02.2020/3P-8C/