



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **11.02.2020**

CORAM

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

Crl.R.C(MD)No.137 of 2020

Manoj ... Petitioner/Petitioner

Vs.

1.The Assistant Director,
Tamil Nadu Mines and Minerals,
Ramanathapuram.

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

3.The Tahsildar,
Paramakudi Taluk Office.

4.The Inspector of Police,
Paramakudi Taluk Police Station,
Ramanathapuram District.
(Crime No.128 of 2019)

...Respondent/Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the impugned "conditions No.1, 2 & 5 " made in the order dated 19.11.2019 in Crl.M.P.No.2687 of 2019 on the file of the learned Principal Sessions Judge, Ramanathapuram, and consequently to return the petitioner's vehicle, namely Ashok Tipper Lorry, bearing Registration No.TN-37-BS-3121 and its Engine No.WBE 148270 Z to the petitioner forthwith.

For Petitioner : Mr.A.Karthick Kumar

For Respondents: Mr.V.Neelakandan
Additional Public Prosecutor



O R D E R

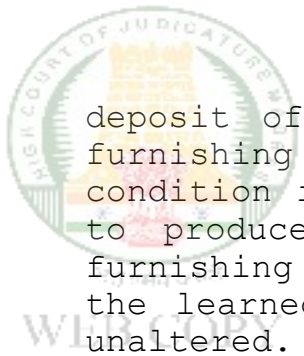
This petition has been filed to quash the impugned "conditions No.1, 2 & 5 " made in the order dated 19.11.2019 in Crl.M.P.No.2687 of 2019 on the file of the learned Principal Sessions Judge, Ramanathapuram, and consequently to return the petitioner's vehicle, namely Ashok Tipper Lorry, bearing Registration No.TN-37-BS-3121 and its Engine No.WBE 148270 Z to the petitioner forthwith.

2.The petitioner claims to be the owner of the Ashok Leyland Tipper Lorry bearing Registration No.TN-37-BS-3121. On 26.07.2019, the respondent police intercepted the vehicle of the petitioner and seized the same on the allegation that it was used for carrying illegal river sand without any valid permit and registered a case in Crime No.128 of 2019 under Section 21 (1) of Mines and Minerals (Development & Regulation) Act, 1957 and thereafter, the vehicle is in the custody of the respondent police. Subsequently, the petitioner approached the learned Principal Sessions Judge, Ramanathapuram, by filing a petition for release of the Ashok Leyland Tipper Lorry and the learned judge allowed the petition filed by the petitioner in Crl.M.P.No.2687 of 2019, dated 19.11.2019, by imposing the 1st condition to the effect that the petitioner shall execute a bond for a sum of Rs.50,000/- with two sureties for like sum, 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 petitioner shall produce the receipt for the deposit of the same from the concerned Authority at the time of furnishing security before this Court 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 above said conditions 1, 2 and 5 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 conditions 1, 2 and 5 imposed by the learned Principal Sessions Judge, Ramanathapuram, is onerous.

5.In view of that, this Criminal Revision is partly allowed. The order of the learned Principal Sessions Judge, Ramanathapuram, made in Crl.M.P.No.2687 of 2019, dated 19.11.2019, is hereby set aside in respect of the conditions 2 and 5 alone. The 2nd condition is modified to the effect that the petitioner shall deposit a sum of **Rs.50,000/-** 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 this Court (Trial Court) and the 5th condition is modified to the effect that the petitioner is directed to produce the **certified copy of the RC Book** at the time of furnishing sureties. In respect of other conditions, the order of the learned Principal Sessions Judge, Ramanathapuram, shall remain unaltered.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

- 1.The Principal Sessions Judge,
Ramanathapuram.
- 2.The Assistant Director,
Tamil Nadu Mines and Minerals,
Ramanathapuram.
- 3.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.
- 4.The Tahsildar,
Paramakudi Taluk Office.
- 5.The Inspector of Police,
Paramakudi Taluk Police Station, Ramanathapuram District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

The Officer - in - charge,
District Minerals Foundation Trust,
Ramanathapuram.

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-5792[F]

Crl.R.C(MD)No.137 of 2020
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SDS (19.02.2020) 3P-9C

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