



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **11.02.2020**

CORAM

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

Crl.R.C(MD)No.138 of 2020

Muthuraman

... Petitioner/Petitioner/
Owner of the vehicle

Vs.

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

2.The Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.

3.The Inspector of Police,
Paramakudi Taluk Police Station,
Paramakudi,
Ramanathapuram District.
Crime No.163 of 2019.

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

...Respondents/Respondents/
Complainants

Prayer : This Criminal Revision has been 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.3958 of 2019 dated 12.12.2019 on the file of the learned Principal District and Sessions Court, Ramanathapuram, and modify the onerous conditions.

For Petitioner : Mr.T.Veerakumar

For Respondents : Mr.V.Neelakandan

Additional Public Prosecutor

O R D E R

This petition has been filed to quash the order passed in Cr.M.P.No.3958 of 2019 dated 12.12.2019 on the file of the learned Principal District and Sessions Court, Ramanathapuram, and modify the onerous conditions.

2.The petitioner claims to be the owner of the JCB bearing Registration No.TN-49-AZ-0444. On 11.10.2019, 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.163 of 2019 under Section 21 (1) of Mines and Minerals



(Development & Regulation) Act, 1957 and thereafter, the vehicle is in the custody of the third respondent police. Subsequently, the petitioner approached the learned Principal Sessions Judge, Ramanathapuram, by filing a petition for release of the JCB and the learned judge allowed the petition filed by the petitioner in Cr.M.P.No.3958 of 2019, dated 12.12.2019, by imposing the 2nd condition to the effect that the petitioner shall deposit a sum of Rs.2,00,000/- 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 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 2 and 5 imposed by the learned Principal Sessions Judge, Ramanathapuram, is onerous.

5.In view of that, this Criminal Revision is allowed. The order of the learned Principal Sessions Judge, Ramanathapuram, made in Cr.M.P.No.3958 of 2019, dated 12.12.2019, 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.75,000/-** 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)



- 1.The Revenue Divisional Officer,
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Ramanathapuram District.
- 2.The Tahsildar,
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- 3.The Inspector of Police,
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Paramakudi,
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- 4.The Assistant Director,
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Ramanathapuram District.

+1 CC to Mr.T.VEERAKUMAR, Advocate (SR-5647[F] dated 11/02/2020)

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KM/ (21.02.2020) 3P 6C