



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **12.02.2020**
CORAM

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

WEB COPY

Crl.R.C(MD)No.140 of 2020

Balamurugan ... Petitioner / Owner of the Vehicle

Vs.

- 1.The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.
(Crime No.376 of 2019)
- 2.The Revenue Divisional Officer,
Paramakudi, Ramanathapuram District.
- 3.The Assistant Director,
Tamil Nadu Mines and Minerals,
Ramanathapuram.
- 4.The Tahsildar,
Paramakudi.

... Respondents / Complainant

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the impugned 'conditions Nos.1, 2 & 5" made in the order dated 12.12.2019 in Crl.M.P.No.3747 of 2019 on the file of the Principal Sessions Judge, Ramanathapuram and consequently to return the petitioner's vehicle, namely JCB [Earth Moving Machine] bearing registration No.TN-22-CZ-4797 to the petitioner forthwith and to pass such further or other orders as this Court may deems fit and proper in these above facts and circumstances of the present case.

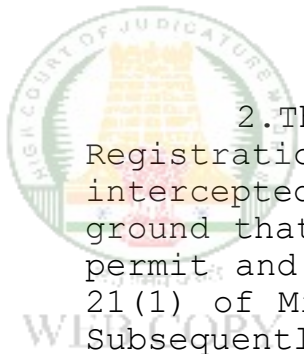
For Petitioner : Mr.M.S.Jeyakarthik

For Respondents: Mr.V.Neelakandan
Additional Public Prosecutor

O R D E R

This petition has been filed to modify the 'condition Nos.1, 2 & 5" imposed by the learned Principal Sessions Judge, Ramanathapuram in the order passed in Crl.M.P.No.3747 of 2019, dated 12.12.2019.

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



2.The petitioner claims to be the owner of the JCB bearing Registration No.TN-22-CZ-4797. On 14.10.2019, 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.376 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.3747 of 2019 by for release of the JCB and the learned judge has allowed the petition filed by the petitioner by its order dated 12.12.2019, 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 and 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 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 1st, 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.3747 of 2019, dated 12.12.2019 is set aside in respect of the 2nd and 5th conditions alone and the 2nd condition is modified to the effect that the petitioner shall deposit a sum of Rs.75,000/- (Rupees Seventy five 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 and the 5th condition is modified to the effect that the petitioner is directed to produce the certified copy of the R.C.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 Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.
- 3.The Revenue Divisional Officer,
Paramakudi, Ramanathapuram District.
- 4.The Assistant Director,
Tamil Nadu Mines and Minerals,
Ramanathapuram.
- 5.The Tahsildar, Paramakudi.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 7.The Officer - in - Charge,
District Minerals Foundation Trust,
Ramanathapuram.

+1 CC to M/s.M.S.JEYAKARTYHIK, Advocate (SR-5879[F] dated
12/02/2020)

CrI.R.C(MD)No.140 of 2020

vsd

SDS (19.02.2020) 3P-9C