



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.02.2020

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

Crl.R.C(MD)No.203 of 2020

Edward Joseph

... Petitioner

Vs.

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

2.The Tahsildar,
R.S.Mangalam Taluk,
Ramanathapuram District.

3.The Inspector of Police,
R.S.Mangalam Police Station,
R.S.Mangalam, Ramanathapuram District.
(Crime No.183 of 2019)

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

... Respondents

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for records pertaining to the order passed in Cr.M.P.No.4514 of 2019, dated 29.01.2020 on the file of the Principal District & Sessions Court, Ramanathapuram and modify the onerous conditions and pass such further or other orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.D.Rameshkumar

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 Cr.M.P.No.4514 of 2019, dated 29.01.2020.



2.The petitioner claims to be the owner of the Tractor bearing Registration No.TN-65-AC-2958. On 05.10.2019, the Village Administrative Officer 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 handed over to the respondent police. The respondent police registered a case in Crime No.183 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.4514 of 2019 for release of the Tractor and the learned judge allowed the petition filed by the petitioner by it order dated 29.01.2020, by imposing the 2nd condition 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. 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, 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.4514 of 2019, dated 29.01.2020 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.25,000/- (Rupees Twenty 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. In respect of other conditions, the order of the learned Principal Sessions Judge, Ramanathapuram, shall remain unaltered.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

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Sub Assistant Registrar(CS)

vsd



To

1.The Principal District and Sessions Judge,
Ramanathapuram.

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

3.The Tahsildar,
R.S.Mangalam Taluk,
Ramanathapuram District.

4.The Inspector of Police,
R.S.Mangalam Police Station,
R.S.Mangalam, Ramanathapuram District.

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

6.The Officer-in-Charge,
District Minerals Foundation Trust,
Ramanathapuram.

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

+1 CC to M/s.D.RAMESH KUMAR, Advocate (SR-8307[F] dated
26/02/2020)

Crl.R.C(MD)No.203 of 2020
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JMN(03.03.2020) 3P : 9C