



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2020

CORAM

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

Cr1.R.C(MD)No.217 of 2020

Rajasekar ... Petitioner/Owner of the vehicle

Vs.

1.The Inspector of Police,
Ilanchembur Police Station,
Ramanathapuram District.
(Crime No.28 of 2019)

2.The Revenue Divisional Officer, Paramakudi.

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

4.The Tahsildar,
Kadaladi

...Respondents/Complainant

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the impugned ''condition Nos.1, 2 & 5'' made in the order, dated 23.01.2020 in Cr1.M.P.No.4447 of 2019 on the file of the Principal Sessions Judge, Ramanathapuram and consequently to return the petitioner's vehicle, namely JCB, bearing Registration No.TN-69-AV-6291, Engine No.H00027655 to the petitioner forthwith.

For Petitioner	: Mr.M.S.Jeyakarthik
For Respondents	: Mr.A.P.G.Ohm Chairma Prabhu Government Advocate (Cr1.side)

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 Cr.M.P.No.4447 of 2019, dated 23.01.2020.

2.The petitioner claims to be the owner of the JCB bearing Registration No.TN-69-AV-6291. On 07.07.2019, 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.28 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.4447 of 2019 for release of the vehicle and the learned judge has allowed the petition filed by the petitioner by its order dated 23.01.2020, 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 and 2nd and 5th conditions imposed by the learned Principal Sessions Judge, Ramanathapuram, 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.4447 of 2019, dated 23.01.2020 is set aside in respect of the 2nd and 5th conditions alone and the 2nd condition is modified to the effect that the petitioner is directed to 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 original R.C.Book obtaining from the financier. In respect of other conditions, the order of the learned Principal Sessions Judge, Ramanathapuram, shall remain unaltered.

Sd/-

Assistant Registrar(Writs)

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/ /2020

Sub Assistant Registrar(CS)



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1. The Principal Sessions Judge, Ramanathapuram.

2.The Inspector of Police,
Ilanchembur Police Station,
Ramanathapuram District.

3.The Revenue Divisional Officer,
Paramakudi.

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

5.The Tahsildar, Kadaladi.

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

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-9026[F] dated
27/02/2020)

Cr1.R.C(MD)No.217 of 2020

DB (CO)

TR(12.03.2020) 3P 8C