



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **28.02.2020**

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

Crl.R.C(MD)No.234 of 2020

Ilamaran

... Petitioner/Owner of the vehicle

Vs.

- 1.The Inspector of Police,
Ilanchenmbur 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/Complainants

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 made in the order, dated 22.01.2020 in Crl.M.P.No.4319 of 2019 on the file of the Principal Sessions Judge of Ramanathapuram and consequently to return the petitioner's vehicle, namely Tipper Lorry, bearing Registration No.TN-65-AW-6935 to the petitioner.

For Petitioner : Mr.M.S.Jeyakarthik

For Respondents : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl.side)

O R D E R

This petition has been filed to modify the impugned condition Nos.1 & 2 imposed by the learned Principal Sessions Judge, Ramanathapuram in the order passed in Cr.M.P.No.4319 of 2019, dated 22.01.2020.

2.The petitioner claims to be the owner of the Tipper Lorry



bearing Registration No.TN-65-AW-6935. On 07.07.2019, the first 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.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.4319 of 2019 for release of the vehicle and the learned judge has allowed the petition filed by the petitioner by its order, dated 22.01.2020, by imposing the 1st condition to the effect that the petitioner should 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 should deposit a sum of Rs.1,00,000/- to the credit of the District Minerals Foundation Trust, Ramanathapuram. 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 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.4319 of 2019, dated 22.01.2020 is modified in respect of the 2nd condition alone and it is modified to the effect that the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty thousand only) to the credit of the District Minerals Foundation Trust, Ramanathapuram. In respect of other conditions, the order of the learned Principal Sessions Judge, Ramanathapuram, shall remain unaltered.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsd

To

1.The Principal Sessions Judge,
Ramanathapuram.



2.The Inspector of Police,
Ilanchenmbur 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.

Copy to:
The Officer-in-Charge,
District Minerals Foundation Trust,
Ramanathapuram.

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-9404[F] dated 28/02/2020

Cr1.R.C(MD)No.234 of 2020
28.02.2020

JMN(12.03.2020) 3P : 9C