



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **28.02.2020**

CORAM

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

Crl.R.C(MD)No.226 of 2020

WEB COPY

Thangam

... Petitioner

Vs.

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

2.The Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.

3.The Inspector of Police,
Nainarkoil Police Station,
Ramanathapuram District.
(Crime No.127 of 2019)

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

...Respondents

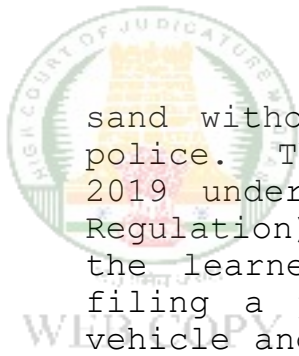
Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to the order passed in Cr.M.P.No.3744 of 2019, dated 29.11.2019 on the file of the Principal District & Sessions Court, Ramanathapuram and modify the onerous condition Nos.2 & 5.

For Petitioner	: Mr.T.Veerakumar
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 onerous condition Nos.2 & 5 imposed by the learned Principal Sessions Judge, Ramanathapuram in the order passed in Cr.M.P.No.3744 of 2019, dated 29.11.2019.

2.The petitioner claims to be the owner of the Lorry bearing Registration No.TN-76-B-4518. On 27.09.2019, 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.127 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.3744 of 2019 for release of the vehicle and the learned judge has allowed the petition filed by the petitioner by its order dated 29.11.2019, by imposing 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 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 2nd and 5th conditions imposed by the learned Principal Sessions Judge, Ramanathapuram, are 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.3744 of 2019, dated 29.11.2019 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.50,000/- (Rupees Fifty 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/-

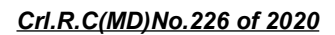
Assistant Registrar (Records)

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/ /2020

Sub Assistant Registrar(CS)

vsd



1. The Principal District and Sessions Judge,
Ramanathapuram District.

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

3.The Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.

4.The Inspector of Police,
Nainarkoil Police Station,
Ramanathapuram District.

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

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

7. The District Minerals Foundation Trust, Ramanathapuram.

+1 CC to Mr.T.VEERAKUMAR, Advocate (SR-9915[F] dated 03/03/2020)

CrI.R.C (MD) No.226 of 2020
28.02.2020

VB (13.03.2020) 3P 9C