



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2020

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

Cr1.R.C(MD)No.319 of 2020

Mohammed Kasim

... Petitioner/Owner of vehicle

Vs.

- 1.The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.
- 2.The Tahsildar,
Mudukulathur,
Ramanathapuram District.
- 3.The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.
(Crime No.252 of 2019)
- 4.The Assistant Director,
Tamil Nadu Mines and Minerals,
Ramanathapuram District.

...Respondents/Complainant

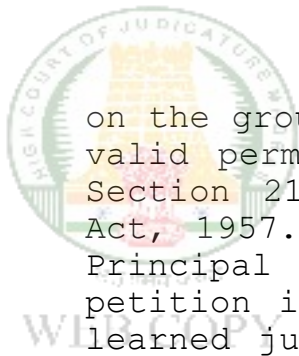
Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to modify the order, dated 21.11.2019 made in Cr.M.P.No.2941 of 2019 on the file of the Principal Sessions Judge, Ramanathapuram in so far as condition No.2.

For Petitioner : Mr.S.Sathya Chidambaram
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 condition No.2 imposed by the learned Principal Sessions Judge, Ramanathapuram in the order passed in Cr.M.P.No.2941 of 2019, dated 21.11.2019.

2.The petitioner claims to be the owner of the JCB bearing Registration No.TN-31-BY-4771. On 08.08.2019, the 3rd 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.252 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.2941 of 2019 for release of the JCB and the learned judge allowed the petition filed by the petitioner by its order dated 21.11.2019, by imposing the 2nd condition to the effect that the petitioner should deposit a sum of Rs.2,00,000/- (Rupees Two lakhs 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.2941 of 2019, dated 21.11.2019 is modified in respect of the 2nd condition alone and it 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. In respect of other conditions, the order of the learned Principal Sessions Judge, Ramanathapuram, shall remain unaltered.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsd

To

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

2.The Tahsildar,
Ramanathapuram District.

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



3.The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.

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

5 The principal Sessions Judge,
Ramanathapuram.

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

+1 CC to Mr.S.SATHYA CHIDAMBARAM, Advocate (SR-12528[F] dated
19/03/2020)

Crl.R.C(MD)No.319 of 2020
18.03.2020

PU(06/05/2020) 3P 8C