



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.03.2020

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

Cr1.R.C(MD)No.278 of 2020

Marthiban

... Petitioner/Petitioner/
Owner of the Vehicle

Vs.

1.The Inspector of Police,
Sayalgudi Police Station,
Sayalgudi, Ramanathapuram District.
(Crime No.187 of 2019)

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

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

4.The Tahsildar,
Kadaladi Taluk,
Ramanathapuram,
Ramanathapuram District.

...Respondents/Respondents/
Complainant

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to modify the condition No.5 in the order passed in Cr1.M.P.No.4033 of 2019, dated 02.01.2020 on the file of the Principal Sessions Judge, Ramanathapuram.

For Petitioner	: Mr.Raja Karthikeyan
For Respondents	: Mr.A.P.G.Ohm Chairma Prabhu Government Advocate (Cr1.side)



ORDER

This petition has been filed to modify the 5th condition imposed by the learned Principal Sessions Judge, Ramanathapuram in the order passed in CrI.M.P.No.4033 of 2019, dated 02.01.2020.

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2.The petitioner claims to be the owner of the Tractor bearing Registration No.TN-65-AX-7106. On 08.09.2019, the 1st 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.187 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.4033 of 2019 for release of the vehicle and the learned judge has allowed the petition filed by the petitioner by its order dated 02.01.2020, by imposing the 5th condition to the effect that the petitioner was directed to produce the original R.C. Book at the time of furnishing sureties. 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 5th 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.4033 of 2019, dated 02.01.2020 is modified in respect of the 5th condition alone and it is modified to the effect that 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)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

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

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

3. The Revenue Divisional Officer,
Paramakudi Revenue Division,
Paramakudi, Ramanathapuram District.

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

5. The Tahsildar,
Kadaladi Taluk,
Ramanathapuram,
Ramanathapuram District.

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

+1 CC to M/s.RAJA .KARTHIKEYAN, Advocate (SR-12136[F] dated
17/03/2020)

Cr1.R.C(MD)No.278 of 2020
16.03.2020

SGS (CO)
TR(23.03.2020) 3P 8C