



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 01.06.2020

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

Cr1.RC(MD)No.351 of 2020

WEB COPY

Kamalanathan

: Petitioner/Petitioner

Vs.

1.The State rep. by
The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.
(In Crime No.127 of 2019)

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

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

4.The Thasildar,
Ramanathapuram,
Ramanathapuram District.

: Respondents/Respondents

Prayer: Criminal Revision has been filed under section 397 r/w 401 of the Code of the Criminal Procedure to modify the 2nd condition imposed in the order, dated 21.11.2019 made in Cr.M.P.No.2756 of 2019 on the file the Principal Sessions Judge, Ramanathapuram.

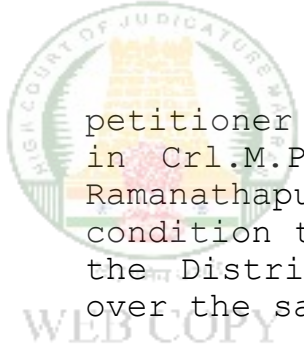
For Petitioner : Mr.J.Sulthan Basha
for M/s.AJmal Associates

For Respondents : Mr.V.Neelakandan
Additional Public Prosecutor

O R D E R

This criminal revision is filed seeking to modify the 2nd condition imposed in the order, dated 21.11.2019 made in Cr.M.P.No.2756 of 2019 on the file the Principal Sessions Judge, Ramanathapuram.

2.The petitioner is the owner of the Earth Moving Equipment bearing registration No.TN-65-S-2022 and the same has been seized by the 1st respondent police in connection with a case in Crime No.127 of 2019, on 28.07.2019 for the alleged offence under section 21(1) of Mines and Minerals (Development and Regulation) Act. The



petitioner has filed a petition for interim custody of the vehicle in CrI.M.P.No.2756 of 2019 before the Principal Sessions Judge, Ramanathapuram. The said petition was allowed on 21.11.2019 with a condition to deposit a cash amount of Rs.2,00,000/- to the credit of the District Minerals Foundation Trust, Ramanathapuram. Aggrieved over the same, the petitioner is before this court.

3. Heard the learned counsel appearing on either side and perused the materials available on record.

4. The main grievance of the petitioner is that the petitioner is the only bread-winner of his family and the entire family members depending upon the income from the source of hiring of the alleged seized vehicle and out of the very meager income, huge portion of the amount was paid to loan and he has no other source of income and he is not in a position to deposit Rs.2,00,000/- and hence, he seeks modification of the 2nd condition imposed by the lower court.

5. Considering the facts and circumstances of this case and also considering the prevailing circumstances of the petitioner, this court is inclined to modify the conditional order passed by the lower court.

6. In the result, this Criminal Revision is **partly allowed**. The impugned order, dated 21.11.2019 passed in Cr.M.P.No.2756 of 2019 by the Principal Sessions Judge, Ramanathapuram, is modified in respect of the 2nd condition to the effect that the petitioner shall deposit a sum of Rs.75,000/- (Rupees Seventy Five thousand only) to the credit of District Minerals Foundation Trust, Ramanathapuram, instead of Rs.2,00,000/-. In other aspects, the order of the lower court shall stand unaltered.

Sd/-

Assistant Registrar (CrI.Side)

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Sub Assistant Registrar(CS)

To

1. The Principal Sessions Judge,
Ramanathapuram.

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

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



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

5.The Thasildar,
Ramanathapuram,
Ramanathapuram District.

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

7.The Officer in-charge,
District Minerals Foundation Trust,
Ramanathapuram.

Crl.RC(MD) No.351 of 2020
01.06.2020

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