



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **23.03.2020**

CORAM

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

Crl.R.C(MD)No.347 of 2020

Kasi

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Thiruppachethi Police Station,
Sivagangai District.
(Crime No.72 of 2019)

...Respondent/Complainant

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the impugned 'conditions a & b' made in the order, dated 03.03.2020 in Crl.M.P.No.778 of 2020 on the file of the Special Judge/Principal Sessions Judge under the Mines and Minerals (Development and Regulation) Act, Sivagangai and consequently to return the vehicle, Bolero Maxi Truck Plus, bearing Engine No.TBK4A57791 and its Chasis No.MA1ZP2TBKK6B33733.

For Petitioner : Mr.J.John Raja Durai
For Respondent : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl.side)

O R D E R

This petition has been filed to modify the 'conditions a & b' imposed by the learned Special Judge/Principal Sessions Judge under the Mines and Minerals (Development and Regulation) Act, Sivagangai, in the order passed in Crl.M.P.No.778 of 2020, dated 03.03.2020.

2.The petitioner claims to be the owner of the Bolero Maxi Truck Plus bearing bearing Engine No.TBK4A57791 and its Chasis No.MA1ZP2TBKK6B33733. On 05.05.2019, 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 registered a case in Crime No.72 of 2019 under Section 379 of IPC and 21(1) of Mines and Minerals (Development and Regulation) Act, 1957. Subsequently, the petitioner



has approached the learned Special Judge/Principal Sessions Judge under the Mines and Minerals (Development and Regulation) Act, Sivagangai, by way of filing a petition in Crl.M.P.No.778 of 2020 for release of the vehicle and the learned judge has allowed the petition filed by the petitioner by its order, dated 03.03.2020, by imposing the condition (a) to the effect that the petitioner should deposit the original Registration Certificate of the vehicle and the condition (b) to the effect that the petitioner should deposit a sum of Rs.50,000/- to the credit of Crime No.72 of 2019 on the file of the learned District Munsif Cum Judicial Magistrate, Thiruppuvanam within a period of one week from the date of receipt of a copy of the order. Challenging the conditions (a) and (b) 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 conditions (a) and (b) imposed by the learned Special Judge/Principal Sessions Judge under the Mines and Minerals (Development and Regulation) Act, Sivagangai, are onerous.

5.In view of that, this Criminal Revision is allowed. The order of the Special Judge/Principal Sessions Judge under the Mines and Minerals (Development and Regulation) Act, Sivagangai, made in Crl.M.P.No.778 of 2020, dated 03.03.2020 is modified in respect of the conditions (a) and (b) alone and the condition (a) is modified to the effect that the petitioner shall produce the relevant records of the vehicle (Invoice, Bill, Insurance) and the condition (b) is modified to the effect that the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five thousand only) to the credit of Crime No.72 of 2019 on the file of the learned District Munsif Cum Judicial Magistrate, Thiruppuvanam within a period of one week from the date of receipt of a copy of this order. In respect of other conditions, the order of the Special Judge/Principal Sessions Judge under the Mines and Minerals (Development and Regulation) Act, Sivagangai, shall remain unaltered.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

1.The Special Judge/Principal Sessions Judge
under the Mines and Minerals
(Development and Regulation) Act,
Sivagangai.

2.The District Munsif cum Judicial Magistrate,
Thiruppuvanam

3.The Inspector of Police,
Thiruppachethi Police Station,
Sivagangai District.

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

+1 CC to Mr.M.S.JEYAKARTHIK, Advocate (SR-12866[F] dated
23/03/2020)

Cr1.R.C(MD)No.347 of 2020
23.03.2020

VB (19.06.2020) 3P 6C