



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.06.2020

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

Cr1.R.C(MD)No.365 of 2020

1.Shajahan
2.Salima

: Petitioners/Accused/Owner of
the Vehicle

Vs.

1.The Inspector of Police,
Sikkal Police Station,
Ramanathapuram District.
(In Crime No.92 of 2019)

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

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

4.The Tahsildar,
Kakaladi Tahsildar Office,
Kadaladi,
Ramanathapuram District.

: Respondents/Complainants

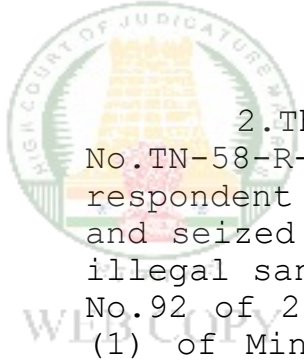
Prayer : This Criminal Revision has been filed under section 397 r/w 401 of Criminal Procedure Code, against the order, dated 11.02.2020 made in Cr1.M.P.No.126 of 2020 by the Principal Sessions Judge, Ramanathapuram in respect of the condition No.5 imposed is alone to set aside consequently direct the Principal Sessions Judge, Ramanathapuram, to release the vehicle TATA ACE bearing Registration NO.TN 58 R 4192 Tractor and Trailor No.TN-65-Z-1434.

For Petitioners: Mr.D.S.Haroon Rasheed

For Respondent : Mr.V.Neelakandan
Additional Public Prosecutor

O R D E R

This Criminal Revision has been filed to modify the 5th condition imposed by the learned Principal Sessions Judge, Ramanathapuram, in the order passed in Cr.M.P.No.126 of 2020, dated 11.02.2020.



2.The petitioners claim to be the owners of the Tractor No.TN-58-R-4192 and Trailor No.TN-65-Z-1434. On 25.09.2019, the respondent police intercepted the alleged vehicle of the petitioners and seized the same on the allegation that it was used for carrying illegal sand without any valid permit and registered a case in Crime No.92 of 2019 for the offence under section 379 IPC and section 21 (1) of Mines and Minerals (Development and Regulation Act), 1957. Subsequently, the petitioners, being the owners of the seized vehicle approached the learned Principal Sessions Judge, Ramanathapuram, by filing a petition for release of the Tractor and Trailor and the learned Judge allowed the petition filed by the petitioners in Cr.M.P.No.126 of 2020, dated 11.02.2020, by imposing the 5th condition to the effect that the petitioners are directed to produce the original RC Book at the time of furnishing sureties. Challenging the 5th condition imposed by the trial Court, the petitioners are 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 petitioners is that the 5th condition imposed by the learned Principal Sessions Judge is onerous.

5.In view of that, this Criminal Revision is allowed. The order of the learned Principal Sessions Judge, Tirunelveli, made in Cr.M.P.No.126 of 2020, dated 11.02.2020 is set aside in respect of the 5th condition alone and it is modified to the effect that the petitioners are directed to produce the certified copy of the RC Book at the time of furnishing sureties. In respect of other conditions, the order of the learned Principal Sessions Judge shall remain unaltered.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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1.The Principal Sessions Judge,
Ramanathapuram.

2.The Inspector of Police,
Sikkal Police Station,
<https://hcservices.ecourts.gov.in/hcservices/>
Ramanathapuram District,
In Crime No.92 of 2019



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

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

5.The Thasildar,
Kakaladi Tahsildar Office,
Kadaladi,
Ramanathapuram District.

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

+1 CC to M/s.D.S.HAROON RASHEED, Advocate (SR-13114[F] dated
05/06/2020)

Cr1.R.C(MD)No.365 of 2020

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NR(11.06.2020) 3P 8C