



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 20.08.2020

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WEB COPY

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.461 of 2020

Muthuramalingam

.. Petitioner

Vs.

- 1.The Inspector of Police,
Peraiyur Police Station,
(Crime No.40 of 2019)
2. The Tahsildar,
Kamuthi.
3. The Assistant Director,
Tamilnadu Mines and Minerals,
Ramanathapuram.
- 4.The Revenue Divisional Officer,
Paramakudi, Ramanathapuram District

.. Respondents

Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to modify the condition No.2 imposed in the order passed in Crl.M.P.No.2786 of 2019, dated 21.11.2019 passed by the learned Principal Sessions Judge, Ramanathapuram to the effect that the petitioner shall deposit a sum of Rs.1,00,000/- to the credit of Crime No.40 of 2019 concerning Crl.M.P.No.2786 of 2019 on the file of the learned Principal Sessions Judge, Ramanathapuram by allow the Criminal Revision petition.

For Petitioner

: Mr.V.Malaiyendran

For Respondents

: Mrs.Anandha Devi
Government Advocate(Crl. Side)

ORDER

This revision has been filed to set aside the condition No.2 imposed in the order passed by the learned Principal Sessions Judge, Ramanathapuram, in Crl.M.P.No.2786 of 2019, dated 21.11.2019, to the effect that the petitioner shall deposit a sum of Rs.1,00,000/- to the credit of Crime No.40 of 2019 concerning Crl.M.P.No.2786 of 2019 on the file of the learned Principal Sessions Judge, Ramanathapuram by allow the Criminal Revision



2. The petitioner is the owner of the Tipper Lorry bearing Registration No.TN-39-AR-7975. On 23.05.2019, the respondent police intercepted the vehicle of the petitioner and seized the same on the allegation that it was used for carrying illegal river sand without any valid permit and registered a case in Crime No.40 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 filing a petition for release of the vehicle and the learned Judge allowed the petition filed by the petitioner in Crl.M.P.No.2786 of 2016, dated 21.11.2020, by imposing the second condition to the effect that the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh 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 Court. Challenging the said condition, the petitioner is before this Court with this criminal revision.

3. On the side of the petitioner, it is stated that the vehicle / Tipper Lorry bearing Registration No.TN-39-AR-7975 belonging to the petitioner, was seized by the respondent police as the vehicle was involved in the theft of river sand. It is further stated that the vehicle / Tipper lorry was manufactured in the year 2008 and the value of the lorry itself is very low and the deposit for a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of the District Minerals Foundation Trust, Ramanathapuram, will be a great prejudice for the petitioner and prayed to modify the order as to the cash deposit of Rs.1,00,000/-.

4. The learned Government Advocate submitted that the petitioner is the owner of the Tipper lorry. If the vehicle is released by way of interim custody, there is a possibility of the vehicle being used for the same offence again.

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

6. The only grievance of the petitioner is that the condition imposed by the learned Sessions Judge is onerous.

7. On perusal of the records, it is seen that the F.I.R was registered under Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 and the vehicle was seized on 23.05.2019 and the vehicle is of the year 2008. For the past 1 1/4 years, the vehicle was kept in the open place and leaving the vehicle in the open place will make the vehicle useless and the value will be



deteriorating day by day.

8. In the above circumstances, this Criminal Revision is partly allowed. The second condition is modified and the petitioner is directed to deposit a sum of **Rs.50,000/- (Rupees Fifty Thousand only)** to the credit of Crime No.40 of 2019 on the file of the learned Principal Sessions Judge, Ramanthapuram and the condition No.1 is suo-motu modified, in addition to the cash deposit, the petitioner is directed to execute a bond for a sum of **Rs.5,00,000/- (Rupees Five Lakhs only)** with two sureties for a like sum to the satisfaction of the learned Principal Sessions Judge, Ramanthapuram. All other conditions remain unaltered.

Sd/-

Assistant Registrar(AD-II)

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Sub Assistant Registrar(CS)

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NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Principal Sessions Judge,
Ramanthapuram.
- 2.The Inspector of Police,
Peraiyur Police Station,
3. The Tahsildar,
Kamuthi.
4. The Assistant Director,
Tamilnadu Mines and Minerals,
Ramanathapuram.
- 5.The Revenue Divisional Officer,
Paramakudi, Ramanthapuram District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl. R.C.(MD)No.461 of 2020
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