



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 20.08.2020

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C. (MD)No.464 of 2020

WEB COPY

Sethupathy

.. Petitioner

Vs.

1.The Inspector of Police,
Parthibanur Police Station,
Ramanathapuram District.
(Crime No.198 of 2019)

2.The Revenue Divisional Officer,
Paramakudi,
Ramanthapuram District

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

4.The Tahsildar,
Paramakudi,
Ramanathapuram District

.. Respondents

Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to set aside the impugned condition Nos.2 and 5 made in the order dated 10.03.2020 in Cr.M.P.No.295 of 2020 on the file of the learned Principal Sessions Judge, Ramanthapuram and consequently to return the petitioner's vehicle JCB (Earth moving machine), bearing Registration No. TN 65-S-5295 to the petitioner forthwith.

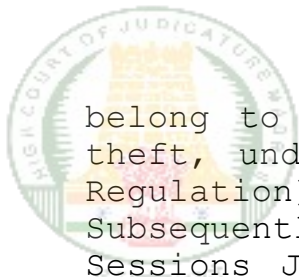
For Petitioner : Mr.M.S.Jeyakarthik

For Respondents : Mrs.Anandha Devi
Government Advocate

ORDER

This revision has been filed to set aside the impugned condition Nos.2 and 5 made in the order dated 10.03.2020 in Cr.M.P.No.295 of 2020 on the file of the learned Principal Sessions Judge, Ramanthapuram and consequently to return the petitioner's vehicle JCB (Earth moving machine), bearing Registration No. TN 65-S-5295 to the petitioner forthwith.

2. On the side of the petitioner, it is stated that the petitioner is the owner of the JCB (Earth moving machine), bearing Registration No. TN 65-S-5295. The respondent seized the JCB that



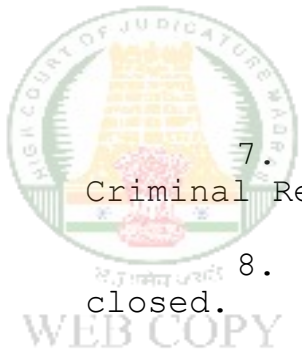
belong to the petitioner alleging that the JCB was used for sand theft, under Section 21(1) of Mines and Minerals [Development and Regulation] Act, 1957, in Crime No.198 of 2019 on 24.10.2019. Subsequently, the petitioner has approached the learned Principal Sessions Judge, Ramanthapuram, by filing a petition for return of the vehicle and the learned Judge allowed the petition in Crl.M.P.No.295 of 2020 dated 10.03.2020, by imposing condition Nos. 2 and 5 to the effect that (i) the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two 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 and (ii) the petitioner is directed to produce the original R.C. Book at the time of furnishing sureties. Challenging the above two conditions, the petitioner is before this Court with this revision.

3. on the side of the petitioner, it is stated that the petitioner is not in a position to deposit a sum of Rs.2,00,000/- as directed by the trial Court and the vehicle was purchased under hire purchase system and the Financier is having the Original R.C.Book and the original R.C.Book could not be produced before the Court. It is further stated that the vehicle was seized by the respondent police on 24.10.2019 and the same was kept in the open place. Due to rusting and climatic condition, the said vehicle got damaged and prayed that the condition nos. 2 and 5 imposed by the trial Court to be cancelled.

4. On the side of the prosecution, it is stated that if the R.C. Book is not produced, there may be a chance for malpractice and an addition condition is to be imposed directing the petitioner to produce the vehicle as and when required by the respondent or by the Court and modifying the condition Nos.2 and 5 was also objected by the prosecution.

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

6. A perusal of the records reveals that the trial Court has ordered for a deposit of Rs.2,00,000/- (Rupees Two Lakh only) to the credit of the District Minerals Foundation Trust, Ramanathapuram. Since the case is pending before the Special Court, there is no necessity for depositing the amount before the District Minerals Foundation Trust, Ramanathapuram. Hence, the second condition is modified and the petitioner is directed to deposit a sum of **Rs.2,00,000/- (Rupees Two Lakhs only)** to the credit of Crime No.198 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.10,00,000/- (Rupees Ten Lakhs only)** with two sureties for a like sum each.



7. In so far as the fifth condition is concerned, this Criminal Revision is dismissed.

8. With the above direction, this Criminal Revision Case is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

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,
Parthibanur Police Station,
Ramanathapuram District.
- 3.The Revenue Divisional Officer,
Paramakudi, Ramanthapuram District.
- 4.The Assistant Director,
Tamil Nadu Mines and Minerals,
Ramanthapuram District.
- 5.The Tahsildar,
Paramakudi, Ramanathapuram District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.S. JEYAKARTHIK, Advocate (SR-14718[F] dated
21/08/2020)

Crl. R.C.(MD)No.464 of 2020
20.08.2020

SPU(28.08.2020) 3P 8C

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