



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.462 of 2020

Rama moorthy

.. Petitioner

Vs.

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

2.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District

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

4.The Tahsildar,
Paramakudi,
Ramanathapuram District

.. Respondents

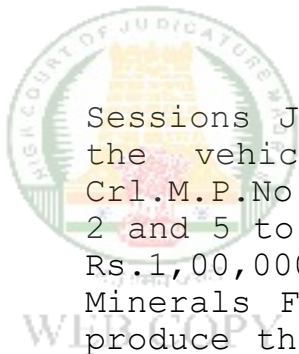
Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to set aside the impugned condition Nos.2 and 5 made in the order dated 09.03.2020 in Cr.M.P.No.294 of 2020 on the file of the learned Principal Sessions Judge, Ramanathapuram and consequently to return the petitioner's vehicle namely Ashok Leyland Tipper Lorry bearing Registration No. TN 18-6616 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 09.03.2020 in Cr.M.P.No.294 of 2020 on the file of the learned Principal Sessions Judge, Ramanathapuram and consequently to return the petitioner's vehicle namely Ashok Leyland Tipper Lorry bearing Registration No. TN 18-6616 to the petitioner forthwith.

2. On the side of the petitioner, it is stated that the petitioner is the owner of the Ashok Leyland Tipper Lorry, bearing Registration No. TN 18-6616. The respondent seized the Lorry that belong to the petitioner alleging that the Lorry 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 release of the vehicle and the learned Judge allowed the petition in Crl.M.P.No.294 of 2020 dated 09.03.2020, by imposing the conditions 2 and 5 to the effect that (i) 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 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.1,00,000/- 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 for the past ten months and the vehicle was manufactured in the year 2009. 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, the petitioner may fail to produce the vehicle as and when required by the respondent or by the Court and modifying the condition Nos.2 and 5 was 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.1,00,000/- (Rupees One 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. It is seen that the vehicle is of the year 2009 and the vehicle was kept in the open place for the past ten months.

7. In so far as the fifth condition is concerned, this Criminal Revision is dismissed and the petitioner is directed to surrender the original R.C. Book before the learned Principal Sessions Judge, Ramanathapuram.

8. 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.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. 5,00,000/- (Rupees Five Lakhs only)** with two sureties for a like sum each.

9. All other conditions including the fifth condition remain unaltered.

10. With the above direction, this Criminal Revision Case is partly allowed.

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-14717[F] dated
21/08/2020)

Crl. R.C.(MD)No.462 of 2020
20.08.2020

SPU(31.08.2020) 3P 8C

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