



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 28.08.2020

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C. (MD)No.480 of 2020

Thangamuthu

.. Petitioner/sole Accused

Vs.

1.The District Collector,
Ramanathapuram District, Ramanathapuram.

2.The Revenue Divisional Officer,
Paramakudi, Ramanathapuram.

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

4.The Tahsildar,
Paramakudi Taluk, Ramanathapuram.

5.The Inspector of Police,
Parthibanur Police Station,
Ramanathapuram District.
(in Crime NO.154 of 2019)

.. Respondents/Complainant

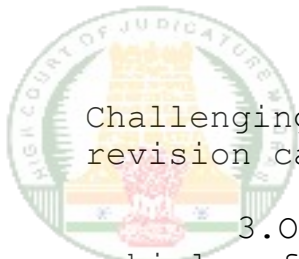
Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the records pertaining to the order dated 02.01.2020 made in Cr.M.P.No.3959 of 2019 on the file of the learned Principal Sessions Judge, Ramanathapuram and to set aside the same.

For Petitioner : Mr.A.Balaji
For Respondents : Mr.K.Dinesh Babu,
Additional Public Prosecutor

ORDER

This revision has been filed to set aside the order passed in Crl.M.P.No.3959 of 2020 dated 02.01.2020, on the file of the learned Principal Sessions Judge, Ramanathapuram.

2.The petitioner claims to be the owner of the tipper lorry bearing Registration No.TN-69-7865. The fifth respondent seized the lorry belonging to the petitioner alleging that the lorry was involved in sand theft and registered a case against him in crime No.154 of 2019 under Section 21(1) of Mines and Minerals (Development and Regulation) Act. 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 in Crl.M.P.No.3959 of 2019 dated 02.01.2020.



Challenging the same, the petitioner is before this Court with this revision case.

3.On the side of the petitioner, it is stated that the vehicle of the petitioner is lying idle in the police custody for the past one year. It is an old lorry. The allegation is only an attempt to theft. However, the vehicle is only used to transfer bricks and not sand and that no sand was seized from the vehicle. The second condition imposed by the trial Court is exorbitant and prayed the conditions to be set aside.

4.On the side of the respondent, it is stated that if the vehicle is released, the vehicle may be used for commission of the same offence again and raised objections to the petition.

5.In view of the above facts and circumstances of the case, this Court is inclined to suo moto modify the first condition to the effect that the petitioner shall execute a bond for a sum of Rs.5,00,000/- (Rupees Five Lakhs only) with two sureties for like sum. This Court is inclined to modify the second condition to the effect that the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand 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 this Court.

6.In view of the above directions, this Criminal Revision is disposed of. The order of the learned Principal Sessions Judge, Ramanathapuram, made in Crl.M.P.No.3959 of 2019 dated 02.01.2020 is thereby modified. 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)

Mrn

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, Ramanathapuram.

2.The District Collector,
Ramanathapuram District,
Ramanathapuram.

3.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram.

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

5.The Tahsildar,
Paramakudi Taluk,
Ramanathapuram.

6.The Inspector of Police,
Parthibanur Police Station,
Ramanathapuram District.

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

Copy to:

The Officer In-charge,
District Mineral Foundation Trust,
Ramanathapuram.

Crl. R.C.(MD)No.480 of 2020
28.08.2020

SPU (07.09.2020) 3P 9C