



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 02.12.2020

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.640 of 2020

Ayyanan

.. Petitioner

Vs.

1. The District Collector,
Sivagangai District,
Sivagangai.
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Sivagangai,
Sivagangai District.
3. The Assistant Director,
Mines and Minerals Department,
Sivagangai,
Sivagangai District.
4. The Tahsildar,
Sivagangai Taluk,
Sivagangai District.
5. The Inspector of Police,
Poovanthi Police Station,
Sivagangai,
Sivagangai District.
(Crime No.86 of 2019)

.. Respondents

Prayer : This criminal revision case filed under Section 397 R/w 401 of Cr.P.C., to call for the records of the order in Crl.M.P.No.2342 of 2020 dated 28.09.2020 on the file of the Principal Sessions Judge, Sivagangai and to set aside the same.

For Petitioner : Mr.R.Venkatesan

For Respondents : Mr.A.Saravana Kumar
Government Advocate



ORDER

This petition has been filed to set aside the order passed in Cr.M.P.No.2342 of 2020 dated 28.09.2020, on the file of the learned Principal Sessions Judge, Sivagangai.

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2.The petitioner claims to be the owner of the tractor with trailer bearing registration No.TN-63-AB-7494, which were seized by the respondent Police in Crime No.86 of 2019 for the offence under 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, has filed a petition in Cr.M.P.No.2342 of 2020 before the learned Principal Sessions Judge, Sivagangai for return of the vehicle. The trial Court allowed the petition with certain conditions. The petitioner has preferred the present revision case in respect of condition no.2 alone.

3.On the side of the petitioner, it is stated that already he has deposited Rs.10,000/- (Rupees Ten Thousand only) in Crime No.86 of 2019 before the learned Judicial Magistrate No.II, Sivagangai, as per the conditional order in Crl.M.P.No.1990 of 2019 dated 21.08.2019. It is stated that the petitioner has already paid Rs.50,000/- (Rupees Fifty Thousand only) to the account of the third respondent as a fine on 27.07.2020 and then only the first respondent passed an order on 29.07.2020 for release of the vehicle. The tractor and trailer are kept in open space for more than one year and prayed the condition no.2 to be relaxed.

4.On the side of the respondents, it is stated that the vehicle was used for theft of mining river sand. The conditions imposed in Crl.M.P.No.2342 of 2020 are reasonable and prayed the petition to be dismissed.

5.It is seen that the petitioner was levied a penalty of Rs.50,000/- (Rupees Fifty Thousand only) and he has filed a petition in W.P.(MD)No.10668 of 2020 before this Court. The prayer in that petition was to return the penalty amount levied against the petitioner. This Court has passed an order dated 25.09.2020, observing that he paid a sum of Rs.10,000/- as a part of bail condition and this Court has directed the petitioner to approach the concerned Court for release of the petition mentioned property and directed the trial Court to take a sympathetic view in the matter.

6.The contention of the petitioner is that though this Court has observed that the petition has to be considered sympathetically, the learned Principal Sessions Judge has imposed a condition for a deposit of Rs.50,000/- (Rupees Fifty Thousand only), which is unfair.

7.A verification of the order reveals that this Court has not directed the learned Principal Sessions Judge to pass an order



without any deposit. In paragraph no.3 of W.P.(MD)No.10668 of 2020, this Court has observed that the learned Principal Sessions Judge can impose other conditions that are normally stipulated. It is true that the petitioner has deposited a sum of Rs.10,000/- (Rupees Ten Thousand only) for grant of bail. A sum of Rs.50,000/- was paid by the petitioner as a penalty. Both the proceedings are different. The present petition is a separate proceeding and the prayer in this petition is different.

8.In view of the above, there is nothing sufficient enough to interfere in the order of the trial Court. Hence, this Criminal Revision Case is dismissed and the order passed in Cr.M.P.No.2342 of 2020 dated 28.09.2020, on the file of the learned Principal Sessions Judge, Sivagangai is confirmed.

Sd/-

Assistant Registrar (CS-III)

// 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,
Sivagangai.
2. The District Collector,
Sivagangai District,
Sivagangai.
3. The Revenue Divisional Officer,
Revenue Divisional Office,
Sivagangai,
Sivagangai District.
4. The Assistant Director,
Mines and Minerals Department,
Sivagangai,
Sivagangai District.



5. The Tahsildar,
Sivagangai Taluk,
Sivagangai District.

6. The Inspector of Police,
Poovanthi Police Station,
Sivagangai,
Sivagangai District.

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

+1 CC to Mr.R.VENKATESAN, Advocate (SR-23824[F] dated 03/12/2020)

Crl. R.C.(MD)No.640 of 2020
02.12.2020

SS(CO)
CS(10.12.2020) 4P 9C