

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.6558 of 2021

Vimal Arockiyaraj Vincent

... Petitioner

Versus

1.State Rep. by
Inspector of Police,
G-10 Anaicut Police Station,
Chengalpattur District.

2.The Assistant Director,
Mines and Minerals Department,
Kancheepuram,
Kancheepuram District.

3.The Tahsildar,
Cheyyur Taluk,
Chengalpattu District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to modify the condition in 5(ii) so far as "the petitioner is directed to remit a non-refundable deposit of Rs.75,000/- to the Tahsildar, Cheyyur by way of demand draft payable to the credit of The District Mines and Minerals Foundation Trust" as imposed by order dated 27.01.2021 made in Crl.M.P.No.3211 of 2020 on the file of the Principal District & Sessions Judge, Kancheepuram District at Chengalpattu.

For Petitioner : Mr.J.Vinoth

For Respondents: Mr.M.Mohammed Riyaz,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed for seeking to modify the condition 5(ii) imposed by the Court below in Crl.M.P.No.3211 of 2020, dated 27.01.2021 wherein, the petitioner has been directed to deposit a sum of Rs.75,000/- (Rupees forty thousand only) to the credit of the District Mines

and Minerals Foundation Trust, in a return of vehicle petition filed by him.

2.The learned counsel for the petitioner submitted that the FIR itself would reveal that the petitioner's tractor was seized from the private land, wherein he was digging well and removing debris and was not indulged in sand theft. The learned counsel further submitted that the condition 5(ii) imposed by the Court below is onerous and such cash deposit should not be insisted as a condition for the purpose of releasing the vehicle.

3.The learned Additional Public Prosecutor submitted that the FIR has been registered against the petitioner for offence under Sections 430, 379 of IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.606 of 2020. The learned Additional Public Prosecutor further submitted that even this Court while granting the release of vehicle, imposed such a condition. Hence, the Court below after taking into consideration, the environmental impact due to Sand mining, is imposing such stringent condition, in order to ensure that such offenses are not committed in future.

4.On considering the submissions made on either side, it is seen that the petitioner has transported the sand which came out during digging well. It is also seen that the petitioner is an agriculturist and not involved in any offence of similar in nature.

5.Taking into consideration, the facts and circumstances of the case, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the Tahsildar, Cheyyur by way of demand draft payable to the credit of the concerned District Mineral Foundation Trust, instead of Rs.75,000/-. The condition 5(ii) imposed by the Court below is modified. The other condition imposed by the Court below shall stand as it is. The deposit shall be made within a period of two weeks from the date of receipt of a copy of this order.

6.This Criminal Original Petition is disposed of by modifying the order of the Court below to the extent indicated herein above.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Principal District & Sessions Judge,
Kancheepuram District at Chengalpattu.
 - 2.The Inspector of Police,
G-10 Anaicut Police Station,
Chengalpattur District.
 - 3.The Assistant Director,
Mines and Minerals Department,
Kancheepuram,
Kancheepuram District.
 - 4.The Tahsildar,
Cheyyur Taluk,
Chengalpattu District.
 - 5.The Public Prosecutor,
High Court, Madras.
- +1cc to Mr.J.Vinoth, Advocate Sr.22102

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srg 21/04/2021

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