



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.08.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.RC(MD)No.501 of 2021

G.Ramar

... Petitioner/Owner of the Vehicle
Vs.

1.The State through
The Inspector of Police,
Mandalamanickam Police Station,
Ramanathapuram District.
(Cr.No.12 of 2020)

2.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.

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

4.The Tahsildar,
Kamuthi,
Ramanathapuram District.

... Respondents

PRAYER: This Criminal Revision Case filed under Section 397 & 401 of Criminal Procedure Code, to call for the records relating to the order passed in Cr.M.P.No.2366 of 2020, dated 28.10.2020 on the file of the Principal Sessions Judge, Ramanathapuram in connection with Cr.No.12 of 2020 on the side of the first respondent police and set aside the condition No.3 alone imposed by the trial Court concerned as illegal and consequently direct the trial Court to hand over the interim custody of vehicle of two wheeler TVS-XL-100 bearing registration No.TN-65-AY-2875 to the petitioner.

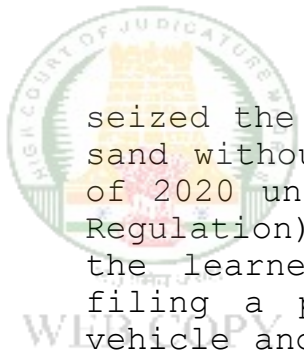
For Petitioner : Mr.K.Palmurugan

For Respondents : Mr.RMS.Sethuraman
Counsel for State Government (Crl.side)

O R D E R

This Criminal Revision Case is filed to modify the condition No.3 imposed by the learned Principal Sessions Judge, Ramanathapuram in the order passed in Cr.M.P.No.2366 of 2020, dated 28.10.2020.

2.The petitioner claims to be the owner of the two wheeler TVS XL 100, bearing Registration No.TN-65-AY-2875. On 09.03.2020, the respondent police intercepted the vehicle of the petitioner and



seized the same on the ground that it was used for carrying illegal sand without any valid permit and registered a case in Crime No.12 of 2020 under Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957. Subsequently, the petitioner has approached the learned Principal Sessions Judge, Ramanathapuram, by way of filing a petition in Cr.M.P.No.2366 of 2020 for release of the vehicle and the learned judge has allowed the petition filed by the petitioner by its order, dated 28.10.2020, by imposing the 3rd condition to the effect that the petitioner should deposit a sum of Rs.15,000/- to the credit of the District Minerals Foundation Trust, Ramanathapuram and the petitioner should produce the receipt for the deposit of the same from the concerned Authority at the time of furnishing security before the trial Court. Challenging the 3rd condition imposed by the trial Court, the petitioner is before this Court with this criminal revision.

3.Heard the learned counsel appearing on either side and perused the materials available on record.

4.The only grievance of the petitioner is that the 3rd condition imposed by the learned Principal Sessions Judge, Ramanathapuram is onerous.

5.In view of that, this Criminal Revision Case is allowed. The order of the learned Principal Sessions Judge, Ramanathapuram, made in Cr.M.P.No.2366 of 2020, dated 28.10.2020 is modified to the effect that the petitioner shall deposit a sum of Rs.8,000/- (Rupees Eight 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 the trial Court. In respect of other conditions, the order of the learned Principal Sessions Judge, Ramanathapuram, shall remain unaltered.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsd

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,

<https://hcservices.ecm.mca.gov.in/hcservices>



2.The Inspector of Police,
Mandalamanickam Police Station,
Ramanathapuram District.

3.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.

4.The Assistant Director,
Mines and Minerals,
Ramanathapuram District.

5.The Tahsildar,
Kamuthi,
Ramanathapuram District.

Crl.RC (MD) No.501 of 2021
03.08.2021

RD(10.08.2021) 3P 6C