



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.06.2021

CORAM

THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI**

Crl.R.C(MD)No.325 of 2021

Ulaganathan

... Petitioner/Petitioner

Vs.

1.The State through

The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.
(Cr.No.125 of 2019)

2.The Revenue Divisional Officer,

Office of the Revenue Divisional Officer,
Ramanathapuram.

3.The Assistant Director,

Mines and Minerals Department,
Ramanathapuram.

4.The Tahsildar,

Office of the Tahsildar,
Ramanathapuram.

...Respondents/Respondents

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records of the Principal Sessions Judge, Ramanathapuram in Crl.M.P.No.1643 of 2020, dated 31.08.2020 and set aside the condition Nos.1 & 2 and modify the conditions 1 & 2 and permit the petitioner to execute a bond to a value of Rs.50,000/- and allow this Criminal Revision Petition.

For Petitioner : Mr.V.Muthu Samundeeswaran

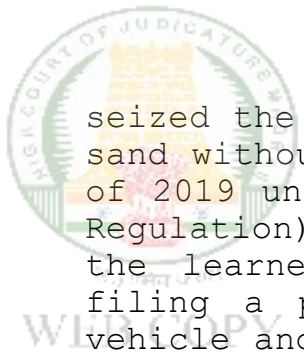
For Respondents : Mr.RMS.Sethuraman

Counsel for State Government

O R D E R

This petition has been filed to modify the condition Nos.1 & 2 imposed by the learned Principal Sessions Judge, Ramanathapuram in the order passed in Crl.M.P.No.1643 of 2020, dated 31.08.2020.

2.The petitioner claims to be the owner of the Tractor bearing Registration No.TN-65-P-4758 (Chassis No.706497) and Trailer bearing Registration No.TN-65-P-4758 (Chassis No.MCT 2262012). 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.125 of 2019 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.1643 of 2020 for release of the vehicle and the learned judge has allowed the petition filed by the petitioner by its order dated 31.08.2020, by imposing the 1st condition to the effect that the petitioner should execute a bond for a sum of Rs.1,00,000/- with two sureties for like sum and the 2nd condition to that the petitioner should deposit a sum of Rs.50,000/- to the credit of the District Minerals Foundation Trust, Ramanathapuram, and the petitioner should produce the receipt for the deposits of the same from the concerned Authority at the time of furnishing security before the trial Court. Challenging the conditions 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 1st and 2nd conditions imposed by the learned Principal Sessions Judge, Ramanathapuram are onerous.

5.The learned counsel appearing for the petitioner submitted that he is going to not press the condition No.1 and has filed a memo to that effect.

6.In view of that, this Criminal Revision is partly allowed. The order of the learned Principal Sessions Judge, Ramanathapuram, made in Cr.M.P.No.1643 of 2020, dated 31.08.2020 is set aside in respect of the condition No.2 alone and it is modified to the effect that the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of the District Minerals Foundation Trust, Ramanathapuram and the petitioner shall produce the receipt for the deposits 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 (CSII)

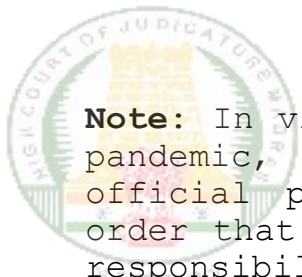
// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsd

<https://hcservices.ecourts.gov.in/hcservices/>



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.

WEB COPY

To

- 1.The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Ramanathapuram.
- 3.The Assistant Director,
Mines and Minerals Department,
Ramanathapuram.
- 4.The Tahsildar,
Office of the Tahsildar,
Ramanathapuram.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.R.C (MD) No.325 of 2021
29.06.2020

SSS (CO)
KB(14.07.2021) 3P 6C