



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.04.2021

CORAM

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

Crl.R.C(MD)No.357 of 2021

Basheer Ali

... Petitioner/ Petitioner

Vs.

- 1.The State Rep. by,
The Sub Inspector of Police,
Thiruppullani Police Station,
Ramanathapuram District.
(Cr.No.39 of 2021)
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Ramanathapuram.
- 3.The Assistant Director,
Geology and Mining Department,
Collectorate Complex,
Ramanathapuram.
- 4.The Tahsildar,
Taluk Office,
Keelakkarai.

...Respondents

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the condition Nos.3 & 6 imposed by order, dated 07.04.2021 made in Crl.M.P.No.742 of 2021 on the file of the Principal Sessions Judge, Ramanathapuram and allow the above Criminal Revision Petition.

For Petitioner : Mr.C.Gangai Amaran

For Respondents : Mr.A.Robinson,
Government Advocate (Crl.side)

O R D E R

This petition has been filed to modify the condition Nos.3 & 6 imposed by the learned Principal Sessions Judge, Ramanathapuram in the order passed in Crl.M.P.No.742 of 2021, dated 07.04.2021.

2.The petitioner claims to be the owner of the Tipper Lorry



bearing Registration No.TN-65-AC-3566 and un-numbered yellow colour JCB Engine No.H00 287132 Chassis No.HAR 3DXSSH0 2981543. 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.39 of 2021 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.742 of 2021 for release of the vehicle and the learned judge has allowed the petition filed by the petitioner by its order dated 07.04.2021, by imposing the 3rd condition to the effect that the petitioner should deposit a sum of Rs.1,00,000/- for Tipper Lorry and Rs.2,00,000/- for the JCB 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 and the 6th condition to the effect that the petitioner was directed to produce the original R.C. Book of the two vehicles at the time of furnishing sureties. 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 3rd and 6th conditions imposed by the learned Principal Sessions Judge, Ramanathapuram are onerous.

5.In view of that, this Criminal Revision is partly allowed. The order of the learned Principal Sessions Judge, Ramanathapuram, made in Crl.M.P.No.742 of 2021, dated 07.04.2021 is modified to the effect that the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty thousand only) for Tipper Lorry and Rs.1,00,000/- (Rupees One lakh only) for JCB 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/-

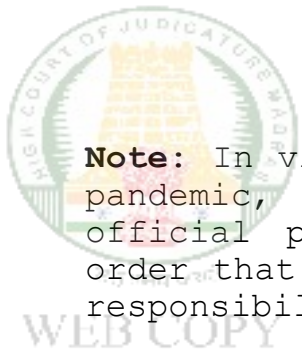
Assistant Registrar (W)

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/ /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,
Ramanathapuram.
- 2.The Sub Inspector of Police,
Thiruppullani Police Station,
Ramanathapuram District.
- 3.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Ramanathapuram.
- 4.The Assistant Director,
Geology and Mining Department,
Collectorate Complex,
Ramanathapuram.
- 5.The Tahsildar,
Taluk Office,
Keelakkarai.
- 6.The District Minerals Foundation Trust,
Ramanathapuram.
- 7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Cr1.R.C (MD) No.357 of 2021
30.04.2021

RK(27.05.2021) 3P 8C