



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2021

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THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.R.C(MD)No.497 of 2021

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Udaiyar

... Petitioner

Vs.

- 1.The State Rep. by
The Inspector of Police,
Thondi Police Station,
Ramanadu District.
(Cr.No.40 of 2021)
- 2.The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.
- 3.The Assistant Director,
Geology and Mining Department,
Collectorate Complex,
Ramanathapuram.
- 4.The Thasildar,
Taluk Office,
Tiruvadanai,
Ramanathapuram District.

...Respondents

Prayer : This Criminal Revision is filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records and to pass an order revising the order of Principal Sessions Judge, Ramanathapuram made in Cr.M.P.No.1005 of 2021, dated 14.07.2021 and consequently to modify the onerous 3rd and 6th conditions of the said order.

For Petitioner : Mr.B.Jeyakumar

For Respondents : Mr.RMS.Sethuraman

Counsel for State Government (Crl.side)

O R D E R

This petition has been filed to modify the ''condition Nos.3 and 6'' imposed by the learned Principal Sessions Judge, Ramanathapuram in the order passed in Cr.M.P.No.1005 of 2021, dated 14.07.2021.

2.The petitioner claims to be the owner of the JCB bearing Registration No.TN-21-AJ-1629 (Engine No.H00002185 Chassis No.17336602011). On 09.03.2021, the Zonal Deputy Tahsildar, Thiruvadanai Taluk, Thiruvadanai 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 handed over to the respondent police. The respondent police has registered a case in Crime No.40 of 2021 under Section 379 IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act. Subsequently, the petitioner has approached the learned Principal Sessions Judge, Ramanathapuram, by way of filing a petition in Cr.M.P.No.1005 of 2021 for release of the JCB and the learned judge has allowed the petition filed by the petitioner by its order dated 14.07.2021, by imposing the 3rd condition to the effect that the petitioner should deposit a sum of Rs.2,50,000/- 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 this Court and the 6th condition to the effect that the petitioner is directed to produce the original R.C. Book 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 Case is allowed. The order of the learned Principal Sessions Judge, Ramanathapuram, made in Cr.M.P.No.1005 of 2021, dated 14.07.2021 is modified in respect of the 3rd and 6th conditions are alone and in the 3rd condition it is modified to the effect that the petitioner shall deposit a sum of Rs.75,000/- (Rupees Seventy five 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 and in the 6th condition is modified to the effect that the petitioner is directed to produce the attested copy of the R.C.Book obtained from the financier at the time of furnishing sureties. In respect of other conditions, the order of the learned Principal Sessions Judge, Ramanathapuram, shall remain unaltered.

Sd/-

Assistant Registrar (CS-I)

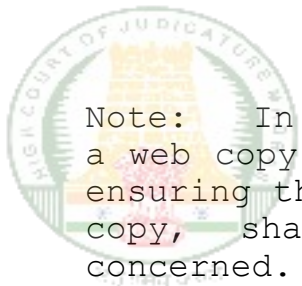
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/ /2021

Sub Assistant Registrar(CS)

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<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 Principal Sessions Judge,
Ramanathapuram.
- 2.The Inspector of Police,
Thondi Police Station,
Ramanadu District.
- 3.The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.
- 4.The Assistant Director,
Geology and Mining Department,
Collectorate Complex,
Ramanathapuram.
- 5.The Thasildar,
Taluk Office,
Tiruvadanai,
Ramanathapuram District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:-

The Officer In-charge,
District Minerals foundation Trust,
Ramanathapuram.

+1 CC to M/s.B.JEYAKUMAR, Advocate (SR-25054[F] dated 03/08/2021)

Cr1.R.C (MD) No.497 of 2021
02.08.2021

RD(10.08.2021) 3P 9C