



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.08.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.R.C(MD)No.499 of 2021

Kesavan

... Petitioner

Vs.

- 1.The State through
The Inspector of Police,
Peraliyur Police Station,
Ramanathapuram District.
(Cr.No.29 of 2021)
- 2.The Sub Collector,
Paramakudi.
- 3.The Assistant Director,
Geology and Mining Department,
Collectorate Complex,
Ramanathapuram.
- 4.The Thasildar,
Taluk Office,
Kamuthi.

...Respondents

Prayer : This Criminal Revision is filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the conditions 3 and 6 imposed by order, dated 06.07.2021 made in Crl.M.P.No.981 of 2021 on the file of the Principal and Sessions Judge, Ramanathapuram and allow the above Criminal Revision Petition.

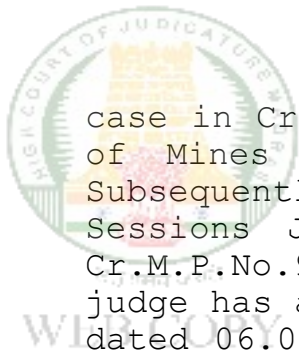
For Petitioner : Mr.Fazil Kirmani
for Mr.C.Gangai Amaran

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

O R D E R

This petition is 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.981 of 2021, dated 06.07.2021.

2.The petitioner claims to be the owner of the Tipper Lorry bearing Registration No.TN-20-CZ-3587. The respondent police intercepted the vehicle of the petitioner and seized the same on the ground that it was used for carrying illegal sand and registered a



case in Crime No.29 of 2021 under Section 379 IPC and 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.981 of 2021 for release of the vehicle and the learned judge has allowed the petition filed by the petitioner by its order, dated 06.07.2021, by imposing the 3rd condition to the effect that the petitioner should deposit a sum of Rs.1,25,000/- 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 was 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.981 of 2021, dated 06.07.2021 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.50,000/- (Rupees Fifty 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-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, the copy of the order that is presented is the correct

<https://hccservices.courts.gov.in/hccservices/>



copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Principal Sessions Judge,
Ramanathapuram.
- 2.The Inspector of Police,
Peraiyur Police Station,
Ramanathapuram District.
- 3.The Sub Collector,
Paramakudi.
- 4.The Assistant Director,
Geology and Mining Department,
Collectorate Complex,
Ramanathapuram.
- 5.The Thasildar,
Taluk Office,
Kamuthi.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.R.C (MD) No.499 of 2021
03.08.2021

RD(10.08.2021) 3P 7C