



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.R.C(MD)No.508 of 2021

WEB COPY

Mohammed Asarullah

... Petitioner / Petitioner

Vs.

- 1.The State Rep. by
The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.
(Cr.No.429 of 2020)
- 2.The Revenue Divisional Officer,
Ramanathapuram.
- 3.The Assistant Director,
Geology and Mining Department,
Collectorate Complex,
Ramanathapuram.
- 4.The Tahsildar,
Taluk Office,
Ramanathapuram.

... Respondents / Respondents

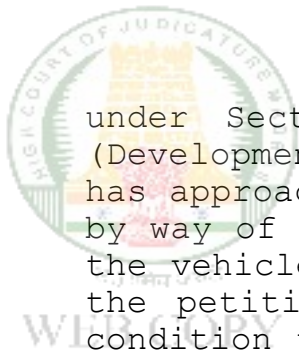
Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records of the Principal Sessions Judge, Ramanathapuram in Cr.M.P.No.836 of 2021, dated 17.04.2021 and modify the condition No.3 of Rs.50,000/- cash sureties before the District Minerals Foundation Trust, Ramanathapuram.

For Petitioner	: Mr.A.Ananda Raj
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 No.3 imposed by the learned Principal Sessions Judge, Ramanathapuram in the order passed in Cr.M.P.No.836 of 2021, dated 17.04.2021.

2.The petitioner claims to be the owner of the Tractor MF 242 DI bearing Registration No.TN-65-AD-1627. 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.429 of 2020 for the offence



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.836 of 2021 for release of the vehicle and the learned judge has allowed the petition filed by the petitioner by its order dated 17.04.2021, by imposing the 3rd condition to the effect 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 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 are onerous.

5.In view of that, this Criminal Revision is allowed. The order of the learned Principal Sessions Judge, Ramanathapuram, made in Cr.M.P.No.836 of 2021, dated 17.04.2021 is modified in respect of the condition No.3 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 (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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

Crl.R.C (MD) No.508 of 2021
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RS (13.08.2021) 3P 8C