



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.08.2021

CORAM

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

Crl.R.C(MD)No.548 of 2021

Karthik

... Petitioner

Vs.

1.The State Rep. by
The Inspector of Police,
Thirupalaikudi Police Station,
Ramanathapuram District.
(Crime No.83 of 2021)

2.The Revenue Divisional Officer,
Ramanathapuram.

3.The Assistant Director,
Geology and Mining Department,
Collectorate Complex
Ramanathapuram.

4.The Tahsildar,
Taluk Office, R.S.Mangalam
Ramanathapuram.

... Respondents

Prayer: This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the conditions imposed vide para No.14(2), 14(3) & 14(6) of the order passed in Cr.M.P.No.1392 of 2021 by the Principal Sessions Judge, Ramanathapuram, dated 05.08.2021 and order interim custody of the JCB bearing Registration No.TN-63-BW-6519 with the petitioner as sought for, which under the custody of the first respondent in Crime No.83 of 2021 on his file.

For Petitioner : Mr.N.Adithya Vijayalayan

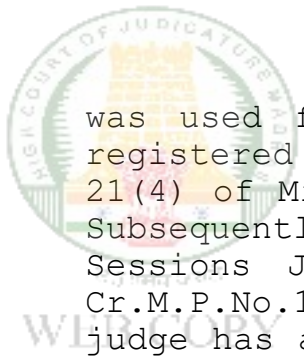
For Respondents : Mr.RMS.Sethuraman

Counsel for State Government (Crl.side)

O R D E R

This petition has been filed to modify the condition Nos.2, 3 and 6 imposed by the learned Principal Sessions Judge, Ramanathapuram in the order passed in Cr.M.P.No.1392 of 2021, dated 05.08.2021.

2.The petitioner claims to be the owner of the JCB bearing Registration No.TN-63-BW-6519. The respondent police intercepted the vehicle of the petitioner and seized the same on the ground that it

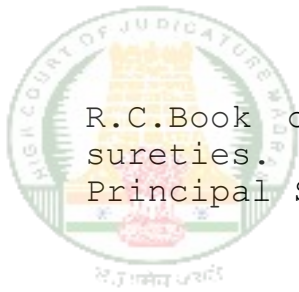


was used for carrying illegal sand without any valid permit and registered a case in Crime No.83 of 2021 under Section 379 IPC and 21(4) of Mines and Minerals (Development and Regulation) Act, 1957. Subsequently, the petitioner has approached the learned Principal Sessions Judge, Ramanathapuram, by way of filing a petition in Cr.M.P.No.1392 of 2021 for release of the vehicle and the learned judge has allowed the petition filed by the petitioner by its order dated 05.08.2021, by imposing the 2nd condition to the effect that the petitioner should execute a bond for a sum of Rs.2,00,000/- with two sureties for like sum to the satisfaction of the trial Court. One surety should be the blood relative of the petitioner and the 3rd condition to the effect that the petitioner was directed to remit a sum of Rs.2,50,000/- as costs within a period of two weeks from the date of receipt of a copy of the order by way of an individual deposit in favour of the District Legal Services Authority, Ramanathapuram, who shall receive the said amount as 'Environmental Fund' and make use of the said amount for the purposes mentioned in the order passed by the Hon'ble Madurai Bench of Madras High Court in **CRP(NPD)No.1643 of 2010, dated 20.06.2018 D.Govindasamy Vs. L.Ganesh Naidu (Deceased) and 2 others**. Further, the petitioner shall produce the receipt for the remit 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 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 2nd, 3rd and 6th conditions imposed by the learned Principal Sessions Judge, Ramanathapuram are onerous.

5.In view of that, this Criminal Revision Case is partly allowed. The order of the learned Principal Sessions Judge, Ramanathapuram, made in Cr.M.P.No.1392 of 2021, dated 05.08.2021 is modified in respect of the condition Nos.3 and 6 are alone and in the 3rd condition it is modified to the effect that the petitioner is directed to remit a sum of Rs.75,000/- (Rupees Seventy Five thousand only) as costs within a period of two weeks from the date of receipt of a copy of this order by way of an individual deposit in favour of the District Legal Services Authority, Ramanathapuram, who shall receive the said amount as 'Environmental Fund' and make use of the said amount for the purposes mentioned in the order passed by the Hon'ble Madurai Bench of Madras High Court in **CRP(NPD)No.1643 of 2010, dated 20.06.2018 D.Govindasamy Vs. L.Ganesh Naidu (Deceased) and 2 others** and in the 6th condition it 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 (W)

WEB COPY

// 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 Principal Sessions Judge,
Ramanathapuram.
- 2.The Inspector of Police,
Thirupalaikudi Police Station,
Ramanathapuram District.
- 3.The Revenue Divisional Officer,
Ramanathapuram.
- 4.The Assistant Director,
Geology and Mining Department,
Collectorate Complex
Ramanathapuram.
- 5.The Tahsildar,
Taluk Office, R.S.Mangalam
Ramanathapuram.
- 6.The District Legal Services Authority,
Ramanathapuram.
- 7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Cr1.R.C(MD)No.548 of 2021

23.08.2021

RS (07.09.2021) 3P 8C

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