



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.R.C(MD)No.667 of 2021

Kalaiyarasan

... Petitioner

Vs.

- 1.The State Rep. by
The Inspector of Police,
Chathirakudi Police Station,
Ramanathapuram District.
(Cr.No.98 of 2021)
- 2.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.
- 3.The Assistant Director,
Geology and Mining Department,
Collectorate Complex,
Ramanathapuram,
Ramanathapuram District.
- 4.The Tahsildar,
Taluk Office,
Paramakudi,
Ramanathapuram District.

... Respondents

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the entire records in relating to the impugned order, dated 12.08.2021 made in Cr.M.P.No.1190 of 2021 on the file of the Principal Sessions Judge, Ramanathapuram and to set aside the same insofar as the 3rd & 6th conditions made in the above order are concerned.

For Petitioner : Mr.M.S.Jeyakarthik

For Respondents : Mr.RMS.Sethuraman

Additional Public Prosecutor

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.1190 of 2021, dated 12.08.2021.

2.The petitioner claims to be the owner of the JCB bearing
<https://hcrs.courts.tn.in/services/> No.TN-65-AX-3499, Chassis No.HAR3DXSSC02590970 and



Engine No.H00159288. The first 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.98 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.1190 of 2021 for release of the vehicle and the learned judge has allowed the petition filed by the petitioner by its order dated 12.08.2021, by imposing 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 should 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 should file an undertaking affidavit along with No Objection Certificate issued by the Kotak Mahindra Bank Limited and the petitioner should produce the self attested true copy of the 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.1190 of 2021, dated 12.08.2021 is modified in respect of the condition Nos.3 and 6 are alone and in the 3rd condition 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. 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 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 (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, 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,
Chathirakudi Police Station,
Ramanathapuram District.
- 3.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.
- 4.The Assistant Director,
Geology and Mining Department,
Collectorate Complex,
Ramanathapuram,
Ramanathapuram District.
- 5.The Tahsildar,
Taluk Office,
Paramakudi,
Ramanathapuram District.



6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

7.The Officer Incharge,
District Legal Services Authority,
Ramanathapuram.

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-30094[F] dated
23/09/2021)

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DJ(CO)
SB(05.10.2021) 4P 9C