



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **28.10.2021**

CORAM:

THE HONOURABLE MR.JUSTICE **R.PONGIAPPAN**

Crl.R.C. (MD)No.766 of 2021

Sekaran : Petitioner/Petitioner

Vs.

1.The State through
The Inspector of Police,
Paramakudi Town Police Station,
Paramakudi.
(In Crime No.318 of 2021)

2.The Tahsildar,
Taluk Office,
Paramakudi,
Ramanathapuram District.

3.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.

4.The Assistant Director,
Geology and Mining Department,
Collectorte Complex,
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 Crl.M.P No.1512 of 2021, dated 11.08.2021 and modify the condition No.3 of Rs.60,000/- as costs by way of an individual/collective Deposit in favour of the District Legal Services Authority, Ramanathapuram.

For Petitioner	: Mr.B.Ramamoorthi
For Respondents	: Mr.M.Muthumanikkam
	Counsel for Government of
	Tamil Nadu(Crl. Side)

O R D E R

This Criminal Revision Case has been filed to modify the condition No.3 imposed by the Principal Sessions Judge, Ramanathapuram, in Cr.M.P No.1512 of 2021, dated 11.08.2021.



2.The petitioner claims to be the owner of the Tractor bearing Registration No.TN-76-Z-8410 and Trolley Engine No.39B40SGH06377, Chassis No.QVCK31605010460. The 1st respondent police intercepted the vehicle of the petitioner and seized the same on the ground that it was used for transporting illegal sand without any valid permit and registered a case in Crime No.318 of 2021 for the offence under Section 379 IPC and 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.1512 of 2021 for release of the alleged vehicle. The learned Principal Sessions Judge has allowed the petition filed by the petitioner, by its order, dated 11.08.2021, by imposing certain conditions. Challenging the condition No.3 imposed in the said order passed by the learned Principal Sessions Judge, 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 condition No.3 imposed by the learned Principal Sessions Judge, Ramanathapuram, is onerous.

5.Considering the grievance addressed by the learned counsel appearing on behalf of the petitioner with the relevant records, it would appear that the petitioner is not an accused in this case. In the above said situation, only during the time of trial, the trial Court has to identify whether the alleged occurrence had happened with the knowledge of the petitioner or not. Therefore, in the absence of any direct evidence in respect to the involvement of the petitioner in the alleged occurrence, directing to deposit such amount is too harsh.

6.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.1512 of 2021, dated 11.08.2021 is modified in respect of the condition No.3 alone and it is modified to the effect that the petitioner is directed to remit a sum of **Rs.25,000/-** (Rupees Twenty 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 such remittance at the time of furnishing sureties



before the trial Court. In respect of other conditions, the order of the learned Principal Sessions Judge, Ramanathapuram, shall remain unaltered.

Sd/-

Assistant Registrar (T & P)

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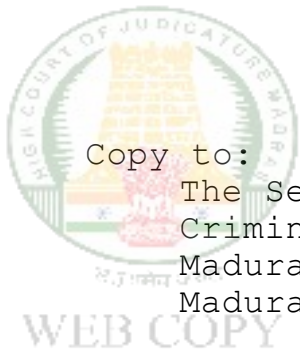
/ /2021

Sub Assistant Registrar(CS)

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To

- 1.The Principal Sessions Court,
Ramanathapuram.
- 2.The District Legal Services Authority,
Ramanathapuram.
- 3.The Inspector of Police,
Paramakudi Town Police Station,
Paramakudi.
- 4.The Tahsildar,
Taluk Office,
Paramakudi,
Ramanathapuram District.
- 5.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.
- 6.The Assistant Director,
Geology and Mining Department,
Collectorte Complex,
Ramanathapuram.
- 7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



Copy to:
The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+1 CC to M/s.B.RAMAMOORTHY, Advocate (SR-33321[F] dated 29/10/2021)

Crl.R.C. (MD)No.766 of 2021
28.10.2021

ARK (CO)
RS/SKN (23.11.2021) 4P 11C