



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.R.C(MD)No.586 of 2021

WEB COPY

Azhagarsamy

... Petitioner / Petitioner

Vs.

- 1.The State Rep. by
The Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District.
(Cr.No.87 of 2021)
- 2.The Revenue Divisional Officer,
Ramanathapuram.
- 3.The Assistant Director,
Geology and Mining Department,
Collectorate Complex
Ramanathapuram.
- 4.The Tahsildar,
Taluk Office, Thiruvadanai,
Ramanathapuram.

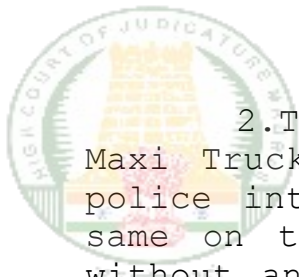
...Respondents / Respondents

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(3), 14(6) & 14(12) of the order passed in Cr.M.P.No.1418 of 2021 by the Principal Sessions Judge, Ramanathapuram, 10.08.2021 and order interim custody of the Mahindra Maxi Truck bearing Registration No.TN-39-AQ-9815 with the petitioner as sought for, which under the custody of the first respondent in Crime No.87 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.3, 6 and 12 imposed by the learned Principal Sessions Judge, Ramanathapuram in the order passed in Cr.M.P.No.1418 of 2021, dated 10.08.2021.



2.The petitioner claims to be the owner of the Mahindra Maxi Truck bearing Registration No.TN-39-AQ-9815. 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.87 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.1418 of 2021 for release of the vehicle and the learned judge has allowed the petition filed by the petitioner by its order dated 10.08.2021, by imposing the 3rd condition to the effect that the petitioner was directed to remit a sum of Rs.1,25,000/- as costs within a period of two weeks from the date of receipt of a copy of the order by way of an individual/collective 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 was directed to produce the original R.C.Book at the time of furnishing sureties and the 12th condition to the effect that if sand is not available in the vehicle, 'non availability certificate' should be obtained from the respondent police and the same shall be produced before this Court. At any point, the property i.e. and shall not be handed over to either the petitioner or to the respondent police. Challenging the conditions imposed by the trial Court, the petitioner is before this Court with this criminal revision.

3.The learned counsel appearing for the petitioner submitted that when the vehicle was seized, there was no sand in the offending vehicle. Hence, the condition imposed by the trial Court to produce the non availability certificate is not necessary. Therefore, he prayed to set aside the said condition.

4.Heard the learned counsel appearing on either side and perused the materials available on record.

5.The only grievance of the petitioner is that the 3rd, 6th and 12th conditions imposed by the learned Principal Sessions Judge, Ramanathapuram are onerous.

6.It is seen that as per the prosecution, the vehicle was seized only at the time of unloading the sand. Hence, the



Court is not necessary.

7. 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.1418 of 2021, dated 10.08.2021 is set aside in respect of the condition No.12 alone and modified insofar as the condition Nos.3 and 6 are alone. In the 3rd condition is modified to the effect that the petitioner is directed to remit a sum of Rs.50,000/- (Rupees Fifty 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/collective 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 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 I)

// 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,
Thiruvadanai 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, Thiruvadanai,
Ramanathapuram.

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

Copy to

The Officer Incharge,
District Legal Service Authority,
Ramanathapuram District.

Crl.R.C (MD) No.586 of 2021
02.09.2021

NSN(CO)
SB(15.09.2021) 4P 8C