



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2021

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THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI**

Crl.R.C(MD)No.592 of 2021

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...Petitioner/Owner of the Vehicle

Vs.

- 1.State through
The Inspector of Police,
Bazaar Police Station,
Ramanathapuram.
(Cr.No.77 of 2021)
- 2.The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.
- 3.The Assistant Director,
Geology and Mining Department,
Collectorate Complex,
Ramanathapuram.
- 4.The Tahsildar,
Taluk Office,
Ramanathapuram,
Ramanathapuram District.

...Respondents

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to the order passed in Cr.M.P.No.1137 of 2021, dated 27.07.2021 on the file of the Principal Sessions Judge, Ramanathapuram and set aside and modify the onerous 3rd and 6th conditions.

For Petitioner : Mr.T.Veerakumar

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 and 6 imposed by the learned Principal Sessions Judge, Ramanathapuram in the order passed in Cr.M.P.No.1137 of 2021, dated 27.07.2021.



2.The petitioner claims to be the owner of the 407 Tipper Lorry bearing Registration No.TN-74-AV-6589. 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.77 of 2021 under 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.1137 of 2021 for release of the vehicle and the learned judge has allowed the petition filed by the petitioner by its order dated 27.07.2021, by imposing the 3rd condition to the effect that the petitioner should deposit a sum of Rs.1,25,000/- to the credit of the District Minerals Foundation Trust, Ramanathapuram and the petitioner should produce the receipt for the deposit 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 Vijay Hemant Finance & Estates 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.The learned counsel appearing for the petitioner submitted that the petitioner is unable to get the 'No Objection Certificate' from the concerned Finance Company, because the loan period of the petitioner's vehicle namely 407 Tipper Lorry is yet to be completed and therefore the said finance company is not in a position to issue 'No Objection Certificate. Therefore, the petitioner is unable to produce the same and prays to set aside the 6th 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 and 6th conditions imposed by the learned Principal Sessions Judge, Ramanathapuram are onerous.

6.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.1137 of 2021, dated 27.07.2021 is set aside in respect of the condition No.3 and 6 are alone and in the 3rd condition is modified to the effect that the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty thousand only) to the credit of the District Minerals Foundation Trust, Ramanathapuram and the petitioner shall produce the receipt for the deposit 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-I)

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// 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,
Bazaar Police Station,
Ramanathapuram.
- 3.The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.
- 4.The Assistant Director,
Geology and Mining Department,
Collectorate Complex,
Ramanathapuram.
- 5.The Tahsildar,
Taluk Office, Ramanathapuram,
Ramanathapuram District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to

The Officer Incharge
District Minerals Foundation Trust, Ramanathapuram.

+1 CC to M/s.T.VEERAKUMAR, Advocate (SR-28226[F] dated 06/09/2021)

Crl.R.C (MD) No.592 of 2021
02.09.2021

RK (15.09.2021) 3P 9C

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