



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.09.2021

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WEB COPY

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

Crl.R.C(MD)No.603 of 2021

B.Padma

... Petitioner

Vs.

1.The State Rep. through
The Inspector of Police,
R.S.Mangalam Police Station,
R.S.Mangalam,
Thiruvadanai Taluk,
Ramanathapuram District.
(Cr.No.46 of 2021)

2.The Revenue Divisional Officer,
Ramanathapuram District.

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

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

...Respondents

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the entire records relating to the order in Cr.M.P.No.1445 of 2021, dated 06.08.2021 passed by the Principal Sessions Judge, Ramanathapuram and to set side the conditions imposed in para No.14(3), 14(11) and 14(12) of the above order passed by the trial court concerned as illegal and consequently to direct the trial Court to hand over the interim custody of vehicle of New Holland Tractor Model 3230 (Engine No.S325K72868, Chassis No.NHN32300ZLB500466) to the petitioner.

For Petitioner : Mr.K.Saravanan

For Respondents : Mr.RMS.Sethuraman

Counsel for State Government (Crl.side)

ORDER

This petition has been filed to modify the condition Nos.3, 11 and 12 imposed by the learned Principal Sessions Judge, Ramanathapuram in the order passed in Cr.M.P.No.1445 of 2021, dated

<https://hcservices.ecourts.gov.in/hcservices/>



06.08.2021.

2.The petitioner claims to be the owner of the New Holland Tractor Model 3230 (Engine No.S325K72868, Chassis No.NHN32300ZLB500466). 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.146 of 2021 under Section 379 IPC and Section 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.1445 of 2021 for release of the vehicle and the learned judge has allowed the petition filed by the petitioner by its order dated 06.08.2021, by imposing the 3rd condition to the effect that the petitioner was directed to remit a sum of Rs.60,000/- 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 11th condition to the effect that the sand in the vehicle should be handed over to the Revenue Divisional Officer and the receipt of the same should be produced before the trial Court. Further, the Revenue Divisional Officer should auction the property in accordance with law 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 should be produced before the trial Court. At any point, the property i.e., sand should 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.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, 11th and 12th 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.1445 of 2021, dated 06.08.2021 is modified in respect of the condition No.3 is alone and the 3rd condition 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 the remit of the same from the concerned Authority at the time of furnishing security before the trial Court. 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,
Principal Sessions Court,
Ramanathapuram.
- 2.The Inspector of Police,
R.S.Mangalam Police Station,
R.S.Mangalam,Thiruvadanai Taluk,
Ramanathapuram District.
- 3.The Revenue Divisional Officer,
Ramanathapuram District.
- 4.The Director,
Geology and Mining Department,
Collectorate Complex,
Ramanathapuram District.
- 5.The Tahsildar,
Taluk Office,
R.S.Mangalam.



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

Copy to:-

The Officer in charge,
District legal services Atuthority,
Ramanathapuram.

Crl.R.C (MD) No.603 of 2021
06.09.2021

RD(20.09.2021) 4P 8C