



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 06.09.2021
CORAM

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

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Cr1.R.C(MD)No.600 of 2021

Pazhanikumar @ Palani Murugan

... Petitioner

Vs.

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

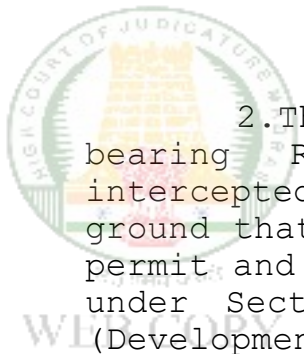
...Respondents

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records and to set aside the impugned ''condition No.3'' made in the impugned order, dated 13.07.2021 in Cr.M.P.No.1090 of 2021 on the file of the Principal Sessions Judge, Ramanathapuram and consequently, to direct the 1st respondent to return the petitioner's vehicle, namely Tractor & Tailer, bearing Registration No.TN-25-J-7326 to the petitioner forthwith.

For Petitioner	: Mr.M.S.Jeyakarthik
For Respondents	: Mr.RMS.Sethuraman Counsel for State Government (Cr1.side)

O R D E R

This petition has been filed to modify the condition No.3 imposed by the learned Principal Sessions Judge, Ramanathapuram in the order passed in Cr.M.P.No.1090 of 2021, dated 13.07.2021.



2.The petitioner claims to be the owner of the Tractor bearing Registration No.TN-25-J-7326. 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 for the offence 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.1090 of 2021 for release of the vehicle and the learned judge has allowed the petition filed by the petitioner by its order dated 13.07.2021, by imposing the 3rd condition to the effect that the petitioner should deposit a sum of Rs.60,000/- 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. Challenging the condition 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 condition imposed by the learned Principal Sessions Judge, Ramanathapuram is onerous.

5.In view of that, this Criminal Revision is allowed. The order of the learned Principal Sessions Judge, Ramanathapuram, made in Cr.M.P.No.1090 of 2021, dated 13.07.2021 is modified in respect of the condition No.3 alone and it is modified to the effect that the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of the District Minerals Foundation Trust, Ramanathapuram and the petitioner shall produce the receipt for the deposits 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/-

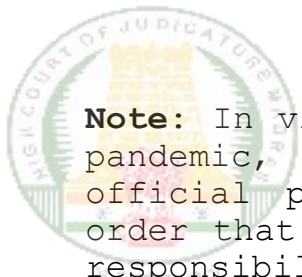
Assistant Registrar (CS-I)

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/ /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.

WEB COPY

To

- 1.The Principal Sessions Judge,
Ramanathapuram.
- 2.The Inspector of Police,
Sayalgudi Police Station,
Ramanathapuram District.
- 3.The Assistant Director,
Geology and Mining Department,
Collectorate Complex,
Ramanathapuram.
- 4.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.
- 5.The Tahsildar,
Taluk Office,
Paramakudi,
Ramanathapuram.
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.M.S.JEYAKARTHIK, Advocate (SR-28244[F] dated
06/09/2021)

Cr1.R.C (MD) No.600 of 2021
06.09.2021

SE (CO)
KB (16.09.2021) 3P 9C