



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2021

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

Crl.R.C(MD)No.655 of 2021

Senthilkumar ... Petitioner/Petitioner/Owner of the Vehicle

Vs.

1.The State through
The Inspector of Police,
Sayalkudi Police Station.
(Cr.No.202 of 2021)

2.The Tahsildar,
Kadaladi Taluka,
Ramanathapuram.

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

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

...Respondent/Respondents/Complainants

Prayer : This Criminal Revision has been filed under Section 397 & 401 of Criminal Procedure Code, to call for the records pertaining to the order passed in Crl.M.P.No.1395 of 2021, dated 05.08.2021 on the file of the Principal District & Sessions Court, Ramanathapuram and modify the onerous conditions 3rd and 2nd and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

For Petitioner	: Mr.G.V.Vairam Santhosh
For Respondents	: Mr.RMS.Sethuraman, Additional Public Prosecutor

O R D E R

This petition has been filed to modify the condition Nos.2 and 3 imposed by the learned Principal Sessions Judge, Ramanathapuram in the order passed in Cr.M.P.No.1395 of 2021, dated 05.08.2021.

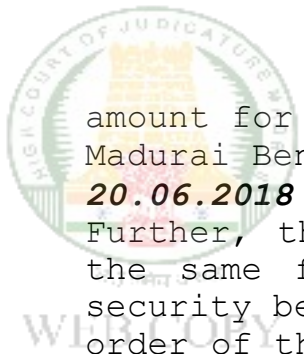


2.The petitioner claims to be the owner of the Tractor bearing Registration No.TN-63-V-5639. The first respondent police intercepted the vehicle of the petitioner and seized the same on the ground that it was used for carrying illegal sand without any valid permit and registered a case in Crime No.202 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.1395 of 2021 for release of the vehicle and the learned judge has allowed the petition filed by the petitioner by its order dated 05.08.2021, by imposing the 2nd condition to the effect that the petitioner should execute a bond for a sum of Rs.1,00,000/- with two sureties for like sum to the satisfaction of the trial Court. One surety should be the blood relative of the petitioner and 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 shall produce the receipt for the remit of the same from the concerned Authority at the time of furnishing security before the trial Court. 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 2nd and 3rd conditions imposed by the learned Principal Sessions Judge, Ramanathapuram are onerous.

5.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.1395 of 2021, dated 05.08.2021 is modified in respect of the condition Nos.2 and 3 are alone and in the 2nd condition is modified to the effect that the petitioner shall execute a bond for a sum of Rs.1,00,000/- with two sureties for like sum to the satisfaction of the trial Court and in the 3rd condition 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 (AE)

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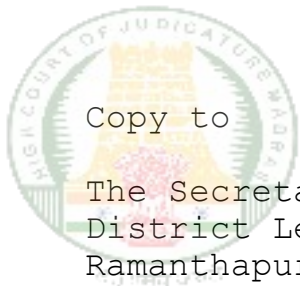
Sub Assistant Registrar(CS)

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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,
Sayalkudi Police Station.
- 3.The Tahsildar,
Kadaladi Taluka,
Ramanathapuram.
- 4.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.
- 5.The Director,
Geology and Mining Department,
Collectorate Complex,
Ramanathapuram District.
6. The Additional Public prosecutor,
Madurai Bench of Madras High Court,
Madurai



Copy to

The Secretary,
District Legal Service authority,
Ramanthapuram.

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CrI.R.C (MD) No.655 of 2021
22.09.2021

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