



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.09.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.R.C(MD)No.634 of 2021

K.Mani ... Petitioner/Petitioner/Owner of Vehicle

Vs.

- 1.The State Rep. through,
The Inspector of Police,
Tiruppalaikudi Police Station.
(Cr.No.76 of 2021),
U/s.379 IPC and 21(4) Mines and Minerals
Development and Regulation Act, 1957.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Paramakudi,
Ramanathapuram District.
- 3.The Assistant Director,
Geology and Mining Department,
Ramanathapuram.
- 4.The Tahsildar,
Taluk Office, Paramakudi,
Ramanathapuram District. ...Respondents/Complainants/
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.1552 of 2021, dated 18.08.2021 passed by the Principal Sessions Judge, Ramanathapuram and to set aside the conditions imposed in para 14(3) 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 the vehicle of JCB Registration No.TN-32-P-9973 (Engine No.4H22630926575, Chassis No.1378775) to the petitioner.

For Petitioner : Mr.K.Saravanan
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 No.3 imposed by the learned Principal Sessions Judge, Ramanathapuram in the order passed in Cr.M.P.No.1552 of 2021, dated 18.08.2021.

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2.The petitioner claims to be the owner of the JCB bearing Registration No.No.TN-32-P-9973 (Engine No.4H22630926575, Chassis No.1378775). 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.76 of 2021 under Sections 379 IPC and 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.1552 of 2021 for release of the vehicle and the learned judge has allowed the petition filed by the petitioner by its order dated 18.08.2021, by imposing the 3rd condition to the effect that the petitioner was directed to remit a sum of Rs.2,50,000/- 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. 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 condition imposed by the learned Principal Sessions Judge, Ramanathapuram is 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.1552 of 2021, dated 18.08.2021 is modified in respect of the condition No.3 is alone and the 3rd condition is modified to the effect that the petitioner is directed to remit a sum of Rs.75,000/- (Rupees Seventy 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,
Ramanathapuram.
- 2.The Inspector of Police,
Tiruppalaikudi Police Station.
- 3.The Revenue Divisional Officer,
Revenue Divisional Office,
Paramakudi, Ramanathapuram District.
- 4.The Assistant Director,
Geology and Mining Department, Ramanathapuram.
- 5.The Tahsildar,
Taluk Office, Paramakudi,
Ramanathapuram District.
- 6.The Officer -in-charge,
District Legal Services Authority,
Ramanathapuram.
- 7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.R.C (MD) No.634 of 2021

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