



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.666 of 2021

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Pratab

... Petitioner

Vs.

- 1.The State rep. through
The Inspector of Police,
Abiramam Police Station,
Ramanathapuram District.
(Cr.No.392 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,
Kamuthi,
Ramanathapuram District.

...Respondents

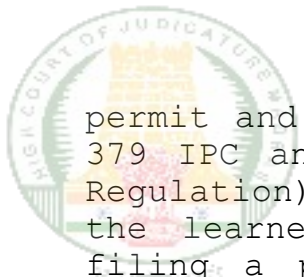
Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the impugned 'Condition No.3' made in the impugned order, dated 26.08.2021 in Cr.M.P.No.1576 of 2021 on the file of the Principal Sessions Judge, Ramanathapuram and consequently to direct the 1st respondent to return the petitioner's vehicle, namely JCB vehicle, bearing Registration No.TN-65-AX-1854 to the petitioner forthwith.

For Petitioner	: Mr.V.Kabilan
For Respondents	: Mr.RMS.Sethuraman
	Additional Public Prosecutor

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.1576 of 2021, dated 26.08.2021.

2.The petitioner claims to be the owner of the JCB bearing Registration No.TN-65-AX-1854. 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.392 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.1576 of 2021 for release of the vehicle and the learned judge has allowed the petition filed by the petitioner by its order dated 26.08.2021, 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 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 Case is allowed. The order of the learned Principal Sessions Judge, Ramanathapuram, made in Cr.M.P.No.1576 of 2021, dated 26.08.2021 is modified in respect of the condition No.3 is alone and it is modified to the effect that the petitioner shall pay a sum of Rs.75,000/- (Rupees Seventy five thousand only) as costs, to the credit of the Chief Justice Relief Fund (payable in Accounts Section of the High Court Registry) within a period of two weeks from the date of receipt of a copy of this order, failing which this petition shall stand dismissed automatically without further reference to this Court and the order of the learned Principal Sessions Judge, Ramanathapuram will be restored. In respect of other conditions, the order of the learned Principal Sessions Judge, Ramanathapuram, shall remain unaltered.

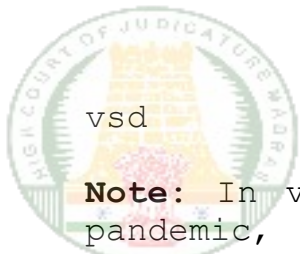
Sd/-

Assistant Registrar(CS-II)

// 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.

1.The Principal Sessions Court,
Ramanathapuram.

2.The Inspector of Police,
Abiramam 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,
Kamuthi,
Ramanathapuram District.

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

COPY TO

The Section Officer, Accounts Section,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-29904[F] dated 22/09/2021)

Crl.R.C (MD) No.666 of 2021
22.09.2021

NSN(CO)

VB(01.10.2021) 3P 9C