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Crl.R.C.(MD) No.772 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE **R.PONGIAPPAN**
Crl.R.C. (MD)No.772 of 2021

Shanthi

...Petitioner/Owner of the vehicle

Vs.

1.The State, Represented through
The Inspector of Police,
Emaneswaram Police Station,
Ramanathapuram District.
Crime No.192 of 2021.

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

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

4.The Tahsildar,
Taluk Office,
Paramakudi,
Ramanathapuram District.

...Respondents/Respondents

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for records and to set aside the impugned condition No.3 made in the impugned order dated 13.09.2021 in Crl.M.P.No.1748 of 2021 on the file of the learned Principal Sessions Judge, Ramanathapuram.

For Petitioner : Mr.M.S.Jeyakarthik
For Respondents : Mr.M.Muthumanikkam
Counsel for Government of
Tamil Nadu (Crl.side)

O R D E R

Mr.M.Muthumanikkam, learned Government Advocate (Crl.side) takes notice for the respondents.



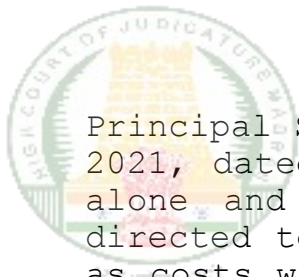
2. This Criminal Revision Case has been filed to set aside the condition No.3 made in the impugned order dated 13.09.2021 in Crl.M.P.No.1748 of 2021 on the file of the learned Principal Sessions Judge, Ramanathapuram.

3.The petitioner claims to be the owner of the Tipper Lorry bearing Registration No.TN-65-AX-1206, Engine No.MEC2316BHHP047374 and Chasis No.6. 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.192 of 2021 for the offence under Section 379 of 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 Crl.M.P.No.1748 of 2021 for release of the vehicle and the learned Principal Sessions Judge has allowed the petition filed by the petitioner by its order dated 13.09.2021, by imposing condition No.3 directing the petitioner to remit a sum of Rs.1,25,000/- 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 such remittance at the time of furnishing sureties before the trial Court. Challenging the said order passed by the learned Principal Sessions Judge, the petitioner is before this Court with this criminal revision.

4.Heard the learned counsels appearing on either side and perused the materials available on record.

5.The only grievance of the petitioner is that condition No.3 imposed by the learned Principal Sessions Judge, Ramanathapuram, is onerous.

6.Considering the grievance addressed by the learned counsel appearing on behalf of the petitioner with the relevant records, it would appear that the petitioner is a first offender and she is only the breadwinner of the family. Further, the petitioner is not arrayed as accused in the alleged offence and the case is under investigation. In the said circumstances, only during the time of trial, the trial Court has to identify whether the alleged occurrence had happened with the knowledge of the petitioner or not. Therefore, in the absence of any direct evidence in respect to the involvement of the petitioner in the alleged occurrence, directing to deposit such amount is too harsh. Hence, in view of that, this Criminal Revision Case is partly allowed. The order of the learned



Principal Sessions Judge, Ramanathapuram, made in Crl.M.P.No.1748 of 2021, dated 13.09.2021 is modified in respect of the condition No.3 alone and it is modified to the effect that the petitioner is directed to remit a sum of Rs.50,000/- (Rupees Fifty 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 such remittance at the time of furnishing sureties before the trial Court. In respect of other conditions, the order of the learned Principal Sessions Judge, Ramanathapuram, shall remain unaltered.

Sd/-

Assistant Registrar (AD I)

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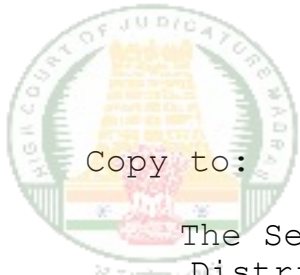
Sub Assistant Registrar (CS)

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To:-

- 1.The Principal Sessions Judge,
Ramanathapuram.
- 2.The Inspector of Police,
Emaneswaram Police Station,
Ramanathapuram District.
- 3.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.
- 4.The Assistant Director,
Geology and Mining Department,
Collectorate Complex,
Ramanathapuram District.
- 5.The Tahsildar,
Taluk Office,
Paramakudi,
Ramanathapuram District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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



Copy to:

The Secretary,
District Legal Services Authority,
Ramanathapuram District.

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+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-33259[F] dated
29/10/2021)

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MGJ/PM(11.11.2021) 4P 9C