



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.R.C. (MD)No.691 of 2021

Boominathan

... Petitioner/Owner
of the Vehicle

Vs.

- 1.The State, Represented through
The Inspector of Police,
Kadaladi Police Station,
Ramanathapuram District.
(Crime No.24 of 2021)
- 2.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.
- 3.The Assistant Director,
Geology and Mining Department,
Ramanathapuram District.
- 4.The Tahsildar,
Taluk Office,
Kadaladi,
Ramanathapuram District.

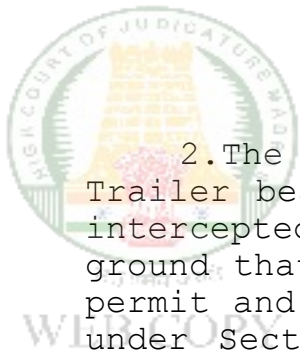
... Respondents/Respondents

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 the impugned "Condition No.3" made in the impugned order dated 24.08.2021 in Crl.M.P.No.1573 of 2021 before the learned Principal Sessions Judge, Ramanathapuram and consequently, to return the petitioner's vehicle, namely Tractor bearing Registration No.TN-65-V-6433 and its Engine Number 43.1024SSP20801 and its Chasis Number WXCA40622188816 and its Trailer to the petitioner forthwith.

For Petitioner : Mr.M.S.Jeyakarthik
For Respondents : Mr.M.Muthumanikkam
Counsel for Government of
Tamil Nadu (Criminal 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 Crl.M.P.No.1573 of 2021, dated 24.08.2021.



2.The petitioner claims to be the owner of the Tractor and Trailer bearing Registration No.TN-65-V-6433. 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.24 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 Cr.M.P.No.1573 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 24.08.2021, by imposing 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 said 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 3rd condition imposed by the learned Principal Sessions Judge, Ramanathapuram, is onerous.

5.In view of that, this Criminal Revision Case is partly allowed. The order of the learned Principal Sessions Judge, Ramanathapuram, made in Cr.M.P.No.1573 of 2021, dated 24.08.2021 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 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 (Records)

// True Copy //

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/ /2021

Sub Assistant Registrar(CS)

cp

To:-

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

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-30435[F] dated 28/09/2021)

CrI.R.C(MD)No.691 of 2021

28.09.2021

RK (05.10.2021) 3P 9C