



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **28.09.2021**

CORAM:

THE HONOURABLE MR.JUSTICE **R.PONGIAPPAN**

Crl.R.C. (MD)No.690 of 2021

Ramar

... Petitioner

Vs.

1.The State, Represented through
The Inspector of Police,
Kadaladi Police Station,
Ramanathapuram District.
(Crime No.23 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

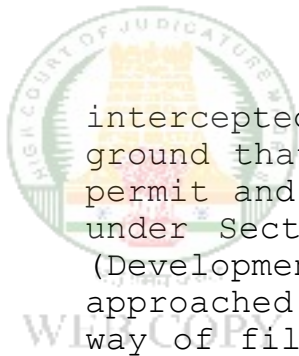
Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for records and to set aside the impugned "conditions No.3 and 6" made in the impugned order dated 24.08.2021 in Crl.M.P.No.1572 of 2021 before the learned Principal Sessions Judge, Ramanathapuram and consequently to return the petitioner's vehicle, namely Tractor bearing registration number TN 65 AW 2848 and its Engine Number AZCSG72772653 & its Chasis number 3 and its Trailer to the petitioner forthwith.

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

O R D E R

This petition has been filed to modify the conditions No.3 and 6 imposed by the learned Principal Sessions Judge, Ramanathapuram in the order passed in Crl.M.P.No.1572 of 2021, dated 24.08.2021.

2.The petitioner claims to be the owner of the Tractor and Trailer bearing Registration No.TN-65-AW-2848. 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.23 of 2021 for the offence under Section 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act. Subsequently, the petitioner has approached the learned Principal Sessions Judge, Ramanathapuram, by way of filing a petition in Crl.M.P.No.1572 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 conditions No.3 and 6 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 and the petitioner was directed to produce the original RC Book at the time of furnishing sureties. Challenging the said 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 condition Nos.3 and 6 imposed by the learned Principal Sessions Judge, Ramanathapuram, are onerous.

5.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. Further, the case is under investigation. 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.1572 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 (AE)

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// True Copy //

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

Copy to

The Officer in Charge,
District Legal Services Authority,
Ramanathapuram.

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-30434[F] dated
28/09/2021)

CrI.R.C. (MD)No.690 of 2021
28.09.2021

RK (08.10.2021) 3P 9C