



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE **R.PONGIAPPAN**
Crl.R.C. (MD)No.707 of 2021

B.Mookooran

...Revision Petitioner/ Petitioner/
Owner of the Vehicle

Vs.

1.The State through the Inspector of Police,
Kamuthi Police Station,
Crime No.106 of 2021.

2.The Tahsildar,
Taluk Office,
Kamudhi.

3.The Revenue Divisional Officer,
Paramakudi.

4.The Director,
Geology and Mining Department,
Collectorate Complex,
Ramanathapuram.

...Respondents/Respondents /
Complainants

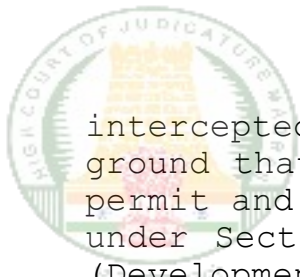
Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the impugned "Condition Nos.3 and 6" made in the order passed in Crl.M.P.No.1382 of 2021 on the file of the learned Principal Sessions Judge of Ramanathapuram dated 03.08.2021 by allowing the Criminal Revision Petition.

For Petitioner : Mr.K.R.Laxman
For Respondents : Mr.M.Muthumanikkam
Counsel for Government of
Tamil Nadu(crl.side)

ORDER

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.1382 of 2021, dated 03.08.2021.

2.The petitioner claims to be the owner of the Ashok Leyland Lorry bearing Registration No.TN-59-AR-3898. 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.106 of 2021 for the offence under Section 379 of I.P.C 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.1382 of 2021 for release of the vehicle and the learned Principal Sessions judge has allowed the petition filed by the petitioner by order dated 03.08.2021, by imposing conditions No.3 and 6 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 securities 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.1382 of 2021, dated 03.08.2021, 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 such remittance at the time of furnishing sureties before the trial



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Court. In respect of other conditions, the order of the learned Principal Sessions Judge, Ramanathapuram, shall remain unaltered.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To:-

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

+1 CC to M/s.K.R.LAXMAN, Advocate (SR-30962[F] dated 01/10/2021)

CrI.R.C. (MD) No.707 of 2021

01.10.2021

=RD(18.10.2021) 3P 9C