



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 14.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.703 of 2021

Maruthupandi

.. Petitioner

Vs.

- 1.The State through
The Inspector of Police,
Kamuthi Police Station,
Crime No.110 of 2021.
- 2.The Tahsildar,
Taluk Office, Kamuthi.
- 3.The Revenue Divisional Officer,
Paramakudi.
- 4.The Director,
Geology and Mining Department,
Collectorate Complex,
Ramanathapuram.

.. Respondents

Prayer : This Revision Case is filed under Section 397 and r/w Section 401 of Cr.P.C., to set aside the impugned "condition No.3", made in the order passed in Cr.M.P.No.1391 of 2021, on the file of the Principal Sessions Judge, Ramanathapuram, dated 05.08.2021, by allowing the criminal revision.

For Petitioner : Mr.K.R.Laxman

For Respondents : Mrs.M.Aasha
Government Advocate

ORDER

This Criminal Revision has been filed to set aside the impugned "condition No.3", made in the order passed in Cr.M.P.No.1391 of 2021, on the file of the Principal Sessions Judge, Ramanathapuram, dated 05.08.2021.

2. A vehicle, viz.,Lorry, bearing Registration No.TN-23-L-9204 was seized by the respondent police, in Crime No.110 of 2021, under Section 379 of I.P.C and Section 21(1) of Mines and Minerals (Development and Regulation) Act. The petitioner claiming himself as the owner of the vehicle filed a petition in Cr.M.P.No.1391 of 2021, before the Principal Sessions Judge, Ramanathapuram, for temporary return of the vehicle. That petition was allowed, on 05.08.2021, with certain conditions. The petitioner has preferred this Revision against the condition No.3.



3. On the side of the petitioner, it is stated that on the date of occurrence 7 lorries were seized by the respondent police. A condition to deposit Rs.1,25,000/- was imposed by the trial Court. Out of the 7 lorries, 5 lorries were returned. The condition imposed for the return of the above 5 vehicles is to deposit of Rs.50,000/- and the same may be followed in this case. In this regard, a judgment of this Court, made in Crl.R.C(MD)No.590 of 2020, dated 02.09.2021, is referred. It is further stated that from 02.03.2021 onwards, the vehicle is kept in the open place and the value of the vehicle will be deteriorated day by day due to climatic conditions and prayed the condition No.3 to be modified.

4. On the side of the prosecution, it is stated that the petitioner is having a previous case of similar nature in Crime No.289 of 2017 on the file of the Tiruchuli Police. The vehicle was seized with 3 units of river sand. The condition imposed by the Court is to deposit Rs.1,25,000/- in favour of District Legal Services Authority and the deposit is only for a meaningful purpose and the condition is very reasonable. There is no necessity to modify the condition or to set aside the condition and prayed the petition to be dismissed.

5. Considering the above circumstances, this Court is inclined to modify condition No.3. Hence, the condition No.3 is modified that the petitioner is directed to deposit Rs.1,00,000/- before the trial Court in Crime No.110 of 2021 and the trial Court is directed to deposit the amount in any one of the Nationalised Banks, in a Fixed Deposit scheme, automatically renewable once in three years. The trial Court is at liberty to pass an order regarding the deposit amount, after the completion of the case. The condition No.2 is suo-motu modified that the petitioner is directed to execute a bond for a sum of Rs.2,00,000/- with two sureties for a like sum each.

6. With the above modification, this Criminal Revision is partly allowed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

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Sub Assistant Registrar(CS)

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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 petitioner and the lawyer concerned.



To

1.The Principal Sessions Judge,
Ramanathapuram.

2. The Inspector of Police,
Kamuthi Police Station,
Crime No.110 of 2021.

3.The Tahsildar,
Taluk Office,
Kamuthi.

4.The Revenue Divisional Officer,
Paramakudi.

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

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

+1 CC to M/s.K.R.LAXMAN, Advocate (SR-39155[F] dated 16/12/2021)
Crl. R.C.(MD)No.703 of 2021
14.12.2021

MGJ(04.01.2022) 3P 8C