



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **21.10.2021**

CORAM:

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

Cr1.R.C. (MD)No.738 of 2021

K.Balamurugan

... Petitioner/Petitioner/Owner of Vehicle

Vs.

- 1.The State through
The Inspector of Police,
R.S.Mangalam Police Station,
Crime No.154 of 2021.
- 2.The Revenue Divisional Officer,
Ramanathapuram District.
- 3.The Director,
Geology and Mining Department,
Collectorate Complex,
Ramanathapuram District.
- 4.The Tahsildar,
Taluk Office,
R.S.Mangalam

... Respondents/Complainants/Respondents

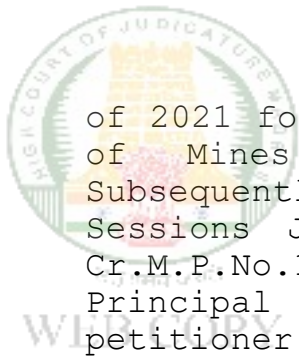
Prayer: This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for records and to set aside the condition imposed in Para 14(3) of the order, dated 13.09.2021 made in Cr.M.P.No.1783 of 2021, on the file of the learned Principal Sessions Judge, Ramanathapuram.

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

O R D E R

This Criminal Revision Case has been filed to set aside the order passed in Cr.M.P.No.1783 of 2021 by the learned Principal Sessions Judge, Ramanathapuram, dated 13.09.2021.

2.The petitioner claims to be the owner of the Tractor bearing Registration No.TN-65-F-3101 (Engine No.A41175, Chase No.347651) and Trailer bearing Registration No.TN-65-F-3064 (Chase No.APL35/03/06). 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.154



of 2021 for the offence under Section 379 of IPC and Section 21(iv) 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 Cr.M.P.No.1783 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.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 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.

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 No.3 imposed by the learned Principal District and Sessions Judge, Ramanathapuram, is 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 not an accused in the above said case. 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 Cr.M.P.No.1783 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 (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To:-

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

CrI.R.C. (MD) No.738 of 2021
21.10.2021

PS (CO)
RS/UV (10.11.2021) 3P 8C