



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **22.10.2021**

CORAM:

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

Crl.R.C. (MD)No.745 of 2021

Malairajan

... Petitioner/Petitioner

Vs.

- 1.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.
- 2.The Tahsildar,
Taluk Office,
Kamuthi.
- 3.The State through
The Inspector of Police,
Mandalamanickam Police Station,
(Crime No.124 of 2021)
- 4.The Assistant Director,
Geology and Mining Department,
Collectorate Complex,
Ramanathapuram District.

... Respondents/Respondents

Prayer: This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records and to set aside the conditions 3 and 6 imposed in Crl.M.P.No.1677 of 2021 dated 17.09.2021 on the file of the learned Principal Sessions Judge, Ramanathapuram.

For Petitioner : Mr.S.Veerapandi Selvaraj
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 conditions 3 and 6 imposed in Crl.M.P.No.1677 of 2021 by the learned Principal Sessions Judge, Ramanathapuram, dated 17.09.2021.

2.The petitioner claims to be the owner of the Tata Sumo bearing Registration No.TN-32-Y-5445. 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.124 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.1677 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 17.09.2021, 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 and further directed the petitioner to produce the original R.C. Book with name transfer endorsement made by the Transport Authority at the time of furnishing sureties. 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 conditions Nos.3 and 6 imposed by the learned Principal District and 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 not an accused in the petition mentioned 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 Crl.M.P.No.1677 of 2021, dated 17.09.2021 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.25,000/- (Rupees Twenty Five 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.

6.In respect to condition No.6, the submission made by the learned counsel for the petitioner is that after purchasing the vehicle from one Eswaran S/o.Krishnan through sale receipt, the name of the petitioner had not been added in the registration certificate pertains to the petition mentioned vehicle and therefore, the petitioner is not in a position to produce the original RC book, which stands in his name.

7.Now on considering the said submissions with the facts and circumstances of the case, if really the petitioner has purchased the vehicle from one Eswaran, it is for him to change the name in the RC book immediately after the purchase. All are aware, the name found in the Registration Certificate will be the owner of the vehicle, therefore, without adding the name of the petitioner in the RC book alleging that the petitioner is the owner of the vehicle, cannot be accepted. More over, changing the name in the RC book is not a difficult task and therefore, if the petitioner is really intended to take the vehicle for interim custody, it is for him to change his name in the registration certificate and afterwords he has to produce the same before the trial Court. In otherwise, the reasons stated by the petitioner in respect of the condition No.6 not at all having any merits and therefore, the same cannot be altered. In view of the above, in respect to 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)

am

To:-

- 1.The Principal Sessions Judge,
Ramanathapuram.
- 2.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.



3.The Tahsildar,
Taluk Office,
Kamuthi.

4.The Inspector of Police,
Mandalamanickam Police Station,
Ramanathapuram District.

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

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

+1 CC to M/s.S.VEERAPANDI SELVARAJ, Advocate (SR-32265[F] dated
22/10/2021)

ORDER MADE IN
CrI.R.C. (MD) No. 745 of 2021
22.10.2021

NSN (CO)
RS/PM (02.11.2021) 4P 8C