



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **28.10.2021**

CORAM:

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

Crl.R.C. (MD)No.764 of 2021

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: Petitioner/Owner of the Vehicle

Vs.

1.The State rep. by
The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
(Crime No.40 of 2021).

: 1st Respondent/Complainant

2.The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.

3.The Assistant Director,
Geology and Mining Department,
Collectorate Campus,
Ramanathapuram.

4.The Thasildar,
Taluk Office,
Thiruvadanai Taluk,
Ramanathapuram District.

: R2 to R4/Respondents

Prayer : This Criminal Revision has been filed under section 397 r/w 401 of Criminal Procedure Code, to pass an order, revising the order of the learned Principal Sessions Judge, Ramanathapuram, made in Cr.M.P No.1558 of 2021, dated 26.08.2021 and consequently to modify the onerous condition Nos.3 and 6 of the said order.

For Petitioner	: Mr.A.S.Vaigunth
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 revise the order of the learned Principal Sessions Judge, Ramanathapuram, made in Cr.M.P No.1558 of 2021, dated 26.08.2021 and consequently, modify the onerous condition Nos.3 and 6 of the said order.

2.The petitioner claims to be the owner of the Tipper Lorry bearing Registration No.TN-55-S-8365, (Engine No.FNH547516, Chassis No.FNR163347). The 1st respondent police intercepted the vehicle of



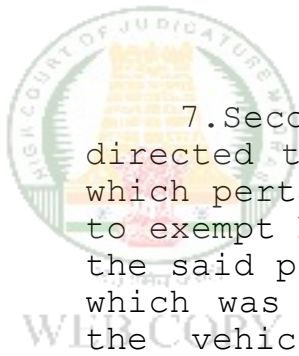
the petitioner and seized the same on the ground that it was used for transporting illegal sand without any valid permit and registered a case in Crime No.40 of 2021 for the offence under Section 379 IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act. Subsequently, the petitioner has approached the learned Principal Sessions Judge, Ramanathapuram, by way of filing a petition in Cr.M.P.No.1558 of 2021 for release of the alleged vehicle. The learned Principal Sessions Judge has allowed the petition filed by the petitioner, by its order, dated 26.08.2021, by imposing certain conditions. Challenging the condition Nos.3 and 6 in 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 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 not an accused in this case. In the above said situation, 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, the condition No.3 imposed by the learned Principal Sessions Judge, directing to deposit such amount is too harsh.

6.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.1558 of 2021, dated 26.08.2021 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.75,000/-** (Rupees Seventy 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.



7.Secondly, viz., the condition No.6, the Court below directed the revision petitioner to produce the original RC Book, which pertains to the vehicle. In this regard, the petitioner prays to exempt him from producing the original RC Book. Now, considering the said prayer, it is usual that RC Book in respect of the vehicle which was purchased by a person will always be with the owner of the vehicle. Therefore, it is perfectly correct to ask the petitioner to produce the said RC Book before the trial court. Further, in the memorandum of criminal revision, in respect of the exemption prayer, the petitioner has not stated any reason or difficulty in producing the RC Book. Therefore, the condition No.6 imposed by the court below does not warrant any modification. All other conditions imposed by the court below shall stand 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,
Thondi Police Station, Ramanathapuram District.
- 3.The Revenue Divisional Officer, Ramanathapuram District.
- 4.The Assistant Director,
Geology and Mining Department,
Collectorate Complex, Ramanathapuram District.
- 5.The Tahsildar,
Taluk Office,
Thiruvadanai Taluk, Ramanathapuram District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to

The Officer Incharge,
The District Legal Services Authority,
Ramanathapuram.

Crl.R.C. (MD)No.764 of 2021
28.10.2021

RS (30.11.2021) 3P 8C

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