



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.11.2021

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.808 of 2021

Chokkathangam

.. Petitioner/Petitioner

Vs.

- 1.The State through,
The Inspector of Police,
Parthibanur Police Station,
Ramanathapuram District.
(Crime No.351 of 2020)
- 2.The Revenue Divisional Officer,
Paramakudi, Ramanathapuram District.
- 3.The Assistant Director,
Geology and Mining Department,
Collectorate Complex,
Ramanathapuram District.
- 4.The Tahsildar,
Taluk Office,
Paramakudi,
Ramanathapuram District.

..Respondents/Respondents

Prayer : This Revision Case is filed under Sections 397 r/w. Section 401 of Cr.P.C., to call for the records and set aside the order dated 20.09.2021 made in Cr.M.P.No.1878 of 2021, on the file of the Principal Sessions Judge, Ramanathapuram in respect of condition No. (3) is concerned.

For Petitioner	: Mr.C.Senthil Murugan
For Respondents	: Mr.K.Sanjay Gandhi Government Advocate

ORDER

This Criminal Revision has been filed to set aside the order, dated 20.09.2021, made in Cr.M.P.No.1878 of 2021, on the file of the Principal Sessions Judge, Ramanathapuram, in respect of condition No. (3) is concerned.

2. A vehicle, viz., Tractor, bearing Registration No.TN-55-Q-5981 was seized by the respondent police, in Crime No.351 of 2020, under Section 379 of I.P.C. and Section 21(1) of Mines and Minerals (Development & Regulation) Act. The petitioner claiming himself as the owner of the vehicle filed a petition in Cr.M.P.No.1878 of 2021 before the Principal Sessions Judge, Ramanathapuram, for temporary



return of the vehicle. That petition was allowed by the Principal Sessions Judge, Ramanathapuram, on 20.09.2021, with certain conditions. The petitioner has preferred this Revision against the condition No.(3), ie. for cash deposit of Rs.60,000/-.

3. On the side of the petitioner, it is stated that the order of the Principal Sessions Judge, Ramanathapuram, is disproportionate and ought to have modified. It is further stated that from 11.10.2020 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 hence, prayed the condition No.(3) to be set aside.

4. On the side of the prosecution, it is sated that the vehicle was seized with one Unit of sand. Since the petitioner committed an offence of sand theft, deposit of Rs.60,000/- towards Environmental Fund is necessary. The condition imposed by the trial Court is reasonable and prayed the petition to be dismissed.

5. Considering the nature of the offence, this Court is inclined to modify the condition No.(3) as follows:-

The petitioner is directed to deposit Rs.30,000/- to the credit of Crime No.351 of 2020 before the Principal Sessions Judge, Ramanathapuram and the petitioner is directed to deposit the original R.C. book till the disposal of the case, to ensure the production of the vehicle at the time of trial and at the time of confiscation. In respect of other conditions, the order of the Special Court shall remain unaltered.

6. This Criminal Revision Case is partly allowed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

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 advocate/litigant concerned.



To

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

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PS (CO)

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