



WEB COPY

Crl.R.C.(MD) No.794 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE **R.PONGIAPPAN**
Crl.R.C. (MD)No.794 of 2021

Mahalingam

... Petitioner/
Owner of the vehicle

Vs.

1.The State rep. by
The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
Crime No.76 of 2021.

2.The Revenue Divisional Officer,
Ramanathapuram District.

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

4.The Tahsildar,
Taluk Office,
Thiruvadanai.

...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 modify the condition No.3 made in the impugned order dated 21.09.2021 in Crl.M.P.No.2006 of 2021 on the file of the learned Principal Sessions Judge, Ramanathapuram.

For Petitioner : Mr.A.Ananda Raj

For Respondents : Mr.M.Muthumanikkam
Government Advocate (Crl.side)



O R D E R

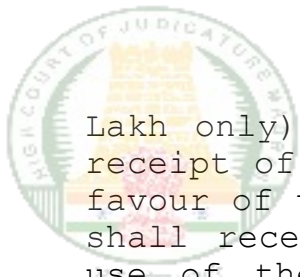
This Criminal Revision Case has been filed to set aside the condition No.3 made in the impugned order dated 21.09.2021 in Crl.M.P.No.2006 of 2021 on the file of the learned Principal Sessions Judge, Ramanathapuram.

2.The petitioner claims to be the owner of the JCB bearing Registration No.TN-65-AE-1354. 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.76 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 Crl.M.P.No.2006 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 21.09.2021, by imposing condition No.3 directing the petitioner to remit a sum of Rs.2,50,000/- 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 trial Court, the petitioner is before this Court with this criminal revision.

3.Heard the learned counsels 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 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 a first offender and only by utilising the said vehicle he earned for his family. 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.2006 of 2021, dated 21.09.2021 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.1,00,000/- (Rupees One



Lakh 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 I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To:-

- 1.The Principal Sessions Judge,
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.
- 5.The Tahsildar,
Taluk Office,
Thiruvadanai.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



CrI.R.C.(MD) No.794 of 2021

Copy to:

The Chairman,
District Legal Services Authority,
Ramanathapuram.

CrI.R.C. (MD) No.794 of 2021
02.11.2021

MGJ/JGB (17.11.2021) 4P 8C