



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2021

CORAM:

THE HONOURABLE MRS.JUSTICE R.THARANI
Crl.R.C.(MD)No.816 of 2021

Suresh

... Petitioner/Petitioner/
Owner of the vehicle

vs.

1. The Inspector of Police,
R.S.Mankalam Police Station,
Ramanathapuram District.
(Crime No.164 of 2021)
2. The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.
3. The Assistant Director,
Geology & Mining Department,
Collectorate Complex,
Ramanathapuram District.
4. The Tahsildar,
Taluk Office,
R.S.Mankalam,
Ramanathapuram District.

... Respondents/Respondents/
Complainants

PRAYER : Criminal Revision Petition is filed under Section 397 r/w 401 of the Code of Criminal Procedure, to call for the records pertaining to order passed in Crl.M.P.No.1919 of 2021, dated 06.10.2021, on the file of the learned Principal Sessions Judge, Ramanathapuram, and modify the onerous 3rd condition.

For Petitioner	: Mr.T.Veerakumar
For Respondents	: Ms.Asha
	Government Advocate

O R D E R

This Criminal Revision has been filed to modify the condition No.3 in the order passed in Crl.M.P.No.1919 of 2021, dated 06.10.2021 on the file of the Principal Sessions Judge, Ramanathapuram.



2. The vehicle viz., JCB bearing Registration No.TN-48-BA-7945 was seized by the first respondent in Crime No.164 of 2021 for the offences under Section 379 IPC and Section 21(4) of Mines and Minerals (Development and regulation) Act. The petitioner claiming himself as the owner of the vehicle filed a petition in Crl.M.P.No.1919 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 06.10.2021, with certain conditions. The petitioner has preferred this Revision against the condition No.(3), ie. for cash deposit of Rs.2,50,000/-.

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 the 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 stated that the petitioner is having one previous case, which is, similar in nature. It is further stated that if the vehicle is returned to the petitioner, there is a possibility of the vehicle to be used for commission of the similar offence.

5. It is seen that the petitioner is having a previous case, which is, similar in nature. Considering the seriousness of the offence and considering the value of the vehicle, this Court is inclined to modify the condition No.(3) as follows:-

The petitioner is directed to deposit Rs.2,00,000/- (Rupees Two Lakhs Only) to the credit of Crime No.164 of 2021 before the Principal Sessions Judge, Ramanathapuram and the petitioner is also 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 Principal Sessions Court shall remain unaltered.

6. This Criminal Revision Case is partly allowed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

csm/mga

<https://hcservices.ecourts.gov.in/hcservices/>



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.

WEB COPY

To

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

+1 CC to M/s.T. VEERAKUMAR, Advocate (SR-34807[F] dated
17/11/2021)

Crl.R.C. (MD) No.816 of 2021
15.11.2021

KMV(CO)
KB(26.11.2021) 3P 8C