



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl.R.C. (MD)No.856 of 2021

Karthikaivelu

... Petitioner/
Owner of the vehicle

Vs.

- 1.The State represented by
The Inspector of Police,
Nainarkovil Police Station,
Paramakudi Taluk,
Ramanathapuram District.
(*) (Crime No.73 of 2021)
- 2.The Tahsildar,
Taluk Office,
Paramakudi,
Ramanathapuram District.
- 3.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.
- 4.The Assistant Director,
Geology and Mining Department,
Collectorate Complex,
Ramanathapuram.

... Respondents/
Complainants

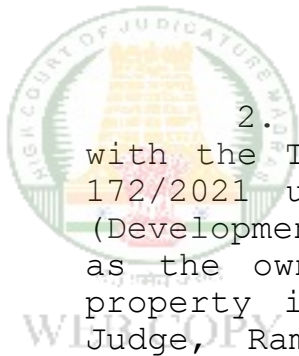
Prayer : Criminal Revision Case filed under Sections 397 r/w. Section 401 Cr.P.C., to call for the records of the Principal Sessions Judge, Ramanthapuram in Cr.M.P.No.2237 of 2021 dated 08.11.2021, set aside and modify the Condition No.3 of Rs.60,000/- as costs by way of an individual/collective Deposit in favour of the Environmental Fund, Ramanthapuram District.

For Petitioner : Mr.B.Ramamoorthi

For Respondents : Mrs.K.Asha
Government Advocate.

ORDER

This Criminal Revision has been filed to call for the records in Cr.M.P.No.2237 of 2021, dated 08.11.2021, on the file of the learned Principal Sessions Judge, Ramanthapuram.



2. A tractor bearing Registration No. TN-59-BS-4354 along with the Trailer was seized by the respondent police in Crime No. 172/2021 under Section 379 IPC r/w 21(1) of Mines and Minerals (Development and Regulation) Act. The Petitioner claiming himself as the owner of the Tractor filed a petition for return of the property in Cr.M.P.No.2237 of 2021 before the Principal Sessions Judge, Ramanathapuram. That petition was allowed with certain conditions. Against the condition No.3, the petitioner has come forward with this petition.

3. On the side of petitioner, it is stated that the trial Court has ordered for deposit of Rs.60,000/- in favour of the District Legal Services Authority, Ramanathapuram to be received under the head of "Environmental Fund". The petitioner could not mobilise the fund and the vehicle is kept in open for the past six months. The petitioner is not even able to repay the EMI and prayed the petition to be set aside.

4. On the side of the prosecution, it is stated that the offence is against the society. The condition imposed by the Court is very reasonable and there is no necessity to set aside the condition.

5. A copy of the RC Book reveals that there is no endorsement regarding ownership of Trailer. The document is only with regard to the Tractor. In the above circumstances, the order of the Principal District Judge, Ramanathapuram is applicable only for return of the Tractor and not for the Trailer.

6. With regard to the condition No.3, the condition is hereby modified. The amount is reduced to Rs.40,000/- and the petitioner is directed to deposit the said amount in Crime No.73 of 2021. All other conditions remain unaltered.

Sd/-

Assistant Registrar (CS-I)

(*)Amended as per order of this Court dated 20.12.2021 made in Crl MP(MD).11497 of 2021 in Crl RC(MD).No.856of 2021

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

mga/csm

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

<https://hcservices.courtsgov.in/hcservices>



copy, shall be the responsibility of the advocate/litigant concerned.

To

(*)Substituted the order copy already despatched on 08.12.2021

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

Copy to

The District Legal Services Authority,
Ramanathapuram.

Crl. R.C. (MD)No.856 of 2021
23.11.2021

RD(06.12.2021) 3P 8C
RK(05/01/2022) 3P/8C