



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 25.11.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.865 of 2021

Udhayakumar

.. Petitioner

Vs.

1.The State Rep by,
Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District.
(Crime No.262 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 Tahsildar,
Taluk office,
Thiruvadanai Taluk,
Ramanathapuram District.

.. Respondent/Respondent

Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the records to pass an order revising the order of learned Principal Sessions Judge, Ramanathapuram made in Cr.M.P.No.2592 of 2021 dated 10.11.2021 and consequently to set aside and to modify the onerous condition no.3 of the said order.

For Petitioner

: Mr.A.S.Vaigunth

For Respondents

: Mrs.K.Asha
Government Advocate



ORDER

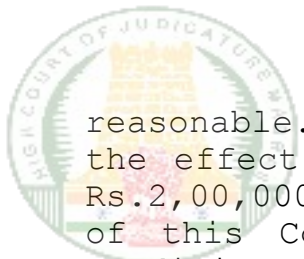
This petition has been filed to set aside the order passed in Cr.M.P.No.2592 of 2021 dated 10.11.2021, on the file of the learned learned Principal Sessions Judge, Ramanathapuram, in respect of condition Nos.2, 3 and 6 alone.

2.A JCB bearing Registration No.TN-63-BW-8941 was seized by the respondent police in Crime No.262 of 2021 under Sections 294(b), 353, 506(ii) and 379 of IPC r/w. Section 21(1) of Mines and Minerals (Development and Regulation)Act. Subsequently, the petitioner claiming himself as the owner of the JCB, has approached the learned Principal Sessions Judge, Ramanathapuram, by filing a petition for release of the vehicle and the learned Judge allowed the petition in Crl.M.P.No.2592 of 2021 dated 10.11.2021, by imposing the conditions to the effect that "(ii)the petitioner shall execute a bond for a sum of Rs.2,00,000/- with two sureties for like sum to the satisfaction of this Court. One surety shall be the blood relative of the petitioner, (iii)the petitioner is directed 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 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(MD)No.1643 of 2010 dated 20.06.2018 D.Govindasamy Vs. L.Ganesh Naidu (Deceased) and two others. Further, the petitioner shall produce receipt for the remit of the same from the concerned Authority at the time of furnishing security before this Court and (vi)The petitioner is directed to produce the original R.C. Book at the time of furnishing sureties". Challenging the aforesaid conditions, the petitioner is before this Court with this revision case.

3.On the side of the petitioner, it is stated that the conditions imposed by the learned Sessions Judge, Ramanathapuram is onerous and that he could not produce a blood relative as surety and he could not mobilise the funds to comply the third condition and that if the vehicle is kept in the open space, the vehicle will get spoiled. The petitioner has purchased the vehicle with the help of private finance company and he is not in position to deposit the R.C. Book and prayed to set aside the conditions.

4.On the side of the respondents, it is stated that the deposit of Rs.2,50,000/- for Environmental funds is for a useful purpose. The offence is against the society. The vehicle involved is a JCB. The conditions imposed by the trial Court are reasonable.

5.To ensure the protection of the vehicle at the time of trial and at the time of confiscation proceedings, the condition no.6 imposed by the learned Principal Sessions Judge, Sivagangai is



reasonable. This Court is inclined to modify the second condition to the effect that "the petitioner shall execute a bond for a sum of Rs.2,00,000/- with two sureties for a like sum to the satisfaction of this Court" and this Court is inclined to modify the third condition to the effect that "the petitioner is directed to remit a sum of Rs.2,00,000/- 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(MD)No.1643 of 2010 dated 20.06.2018 D.Govindasamy Vs. L.Ganesh Naidu (Deceased) and two others. Further, the petitioner shall produce the receipt for the remit of the same from the concerned Authority at the time of furnishing security before this Court".

6.In view of the above directions, this Criminal Revision Case is partly allowed. The order of the learned Principal Sessions Judge, Ramanathapuram, in Cr.M.P.No.2592 of 2021 dated 10.11.2021, is thereby modified. In respect of other conditions, the order of the learned Sessions Judge shall remain unaltered.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Mrn

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.
- 2.The Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District.
- 3.The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.



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

5.The Tahsildar,
Taluk office,
Thiruvadanai Taluk,
Ramanathapuram District.

6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl. R.C.(MD)No.865 of 2021
25.11.2021

MGJ(07.12.2021) 4P 7C