



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.12.2021

CORAM

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.971 of 2021

Sukashini

.. Petitioner/Petitioner/
Owner of the Vehicle

Vs.

1.The Inspector of Police,
R.S.Mangalam Police Station.
Cr.No. 179 of 2021.

2.The Revenue Divisional Officer,
Ramanathapuram.

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

4.The Tahsildar,
Taluk Office,
R.S.Mangalam Taluk.

.. Respondents/Respondents/
Complainants

Prayer : This Revision Case is filed under Sections 397 and 401 of Cr.P.C., to call for the records pertaining to the order passed in Crl.M.P.No.2589 of 2021 dated 01.12.2021 on the file of the Principal Sessions Judge, Ramanathapuram and modify the onerous condition.

For Petitioner

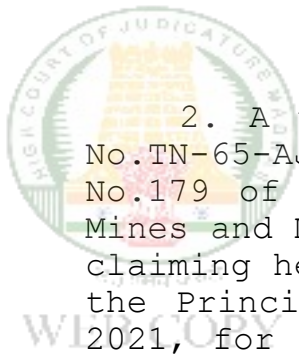
: Mr.V.Panneer Selvam

For Respondents

: Mrs.M.Aasha
Government Advocate

ORDER

This Criminal Revision has been filed to call for the records pertaining to the order passed in Crl.M.P.No.2589 of 2021 dated 01.12.2021 on the file of the Principal Sessions Judge, Ramanathapuram and modify the onerous conditions.



2. A vehicle, viz., Tractor and Trailer, bearing Registration No.TN-65-AJ-6550 was seized by the first respondent police in Crime No.179 of 2021, under Section 379 of I.P.C r/w. Section 21(1) of Mines and Minerals (Development and Regulation) Act. The petitioner claiming herself as the owner of the vehicle filed a petition before the Principal Sessions Judge, Ramanathapuram, in Cr.M.P.No.2589 of 2021, for the temporary release of the vehicle. The Sessions Judge has allowed the petition on certain conditions. The petitioner has preferred this Revision against the condition No. (3).

3.On the side of the petitioner, it is stated that the bund of the village Kanmai encroached the patta lands and all the villagers removed the portion of the bund and proposed to spread the sand in the School campus. The petitioner already filed a petition before the District Collector on 12.07.2021, only for public purpose, the work was done by the villagers and the condition No.3, to deposit Rs.60,000/- for Environmental Fund is onerous and prayed the condition to be set aside.

4.On the side of the respondents, it is stated that sand theft is an offence against the Society. The petitioner failed to get permission from the concerned authorities. The F.I.R was registered on 08.07.2021, but the representation was made only on 12.07.2021, which is subsequent to the occurrence and only for the purpose of case, such a representation was created by the petitioner. The representation and the following proceedings are not connected with the offence. The imposition of the condition is only for a meaningful purpose and there is nothing sufficient enough to interfere in the orders of the trial Court and prayed the petition to be dismissed.

5.It is seen that the F.I.R was registered on 08.07.2021. The alleged representation was made only on 12.07.2021, that is, after the date of the occurrence. It is seen that only copy of the Registration Certificate for the Tractor was filed by the petitioner. No document was filed to prove the ownership of the Trailer. For the above reasons, the condition No.3 is hereby modified that the petitioner is directed to deposit a sum of **Rs.50,000/- to the credit of Crime No.179 of 2021, before the trial Court, within a period of three weeks from the date of receipt of copy of this order** and the trial Court is directed to deposit the amount in any one of the Nationalised Banks, in a Fixed Deposit scheme, automatically renewable once in three years. The trial Court is at liberty to pass an order regarding the deposit amount, after the completion of the case. In respect of other conditions, the order of the Principal Sessions Judge shall remain unaltered.

6. The order of the trial Court is applicable only for return of the Tractor and not for the return of the Trailer. With the above direction, this Criminal Revision Case is partly allowed.



(*) 7. Therefore, Liberty is given to the owner of the trailer to approach the trial court for return of the same.

Sd/-

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Assistant Registrar (As)

(*) Included as per the order of this court dated 07/02/2022

// True Copy //

18/02/2022

Sub Assistant Registrar(CS)

Ls

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

+1 CC to M/s.V.PANNEER SELVAM, Advocate (SR-4701[F] dated
08/02/2022)

Crl. R.C.(MD)No.971 of 2021
23.12.2021