



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2022

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C. (MD)No.149 of 2022

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Niresh

... Petitioner

Vs.

State represented by the
Inspector of Police,
Papanasam Police Station,
Thanjavur District.
(Crime No.146 of 2021)

... Respondent

Prayer: This Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C. to call for the records of the learned Special Court under Mines and Minerals [D & R] Act, 1957, Thanjavur/Principal Sessions Judge, Thanjavur in Cr.M.P.No.3790 of 2021, dated 23.12.2021 and set aside the portion of 1st condition with regard to deposit of Rs.1,00,000/- to the credit of "Patient Welfare Society, Government Headquarters hospital", relating to its vehicle Hitachi Hydraulic Excavator (Model ZX110) (Machine Serial No.IEY00P00012317).

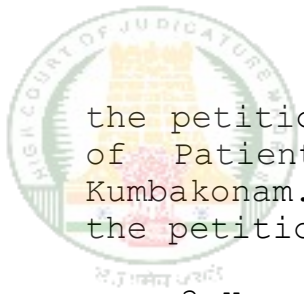
For Petitioner : Mr.P.Surliraja

For Respondent : Mrs.M.Aasha
Government Advocate (Criminal Side)

O R D E R

This petition has been filed to modify the ''Condition No.1'' imposed by the learned Principal Sessions Judge, Thanjavur, in the order passed in Crl.M.P.No.3790 of 2021, dated 23.12.2021.

2.The petitioner claims to be the owner of the Hitachi Hydraulic Excavator (Model ZX110) (Machine Serial No.IEY00P00012317). The respondent police has 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.146 of 2021 under Section 379 IPC and Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957. Subsequently, the petitioner has approached the learned Principal Sessions Judge, Thanjavur, by way of filing a petition in Crl.M.P.No.3790 of 2021, for release of the vehicle and the learned Judge has allowed the petition filed by the petitioner by its order dated 23.12.2021, by imposing the 1st condition to the effect that



the petitioner should deposit a sum of Rs.1,00,000/- to the credit of Patient Welfare Society, Government Headquarters hospital, Kumbakonam. Challenging the condition imposed by the trial Court, the petitioner is before this Court with this criminal revision.

3.Heard the learned counsel appearing on either side and perused the materials available on record.

4.The only grievance of the petitioner is that the 1st condition imposed by the learned Principal Sessions Judge, Thanjavur are onerous.

5.In view of that, **this Criminal Revision Case is allowed.** The order of the learned Principal Sessions Judge, Thanjavur, made in Crl.M.P.No.3790 of 2021, dated 23.12.2021 in Para 14(1) is modified, to the effect that the petitioner shall deposit a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) to the credit of "Patient Welfare Society, Government Headquarters hospital, Kumbakonam". In respect of other conditions, the order of the learned Principal Sessions Judge, Thanjavur, shall remain unaltered.

Sd/-

Assistant Registrar (CS-I)

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/ /2022

Sub Assistant Registrar(CS)

PNM

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 Session Judge,
Special Court under the Mines and Minerals (D&R) Act,
Thanjavur.
- 2.The Inspector of Police,
Papanasam Police Station,
Thanjavur District.
- 3.The Additional Public Prosecutore,
Madurai Bench of Madras High Court, Madurai.



COPY TO:

The officer In charge,
Patient Welfare Society,
Government Headquarters hospital, Kumbakonam.

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_RD(02.03.2022) 3P 5C