



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN
Crl.R.C. (MD)No.50 of 2022

WEB COPY

Sethupathi ... Petitioner/Petitioner/
owner of the property
Vs.

1.The State

Through the Inspector of Police,
Devipattinam Police Station,
Ramanathapuram.
(In Crime No.150 of 2021)

...1st Respondent/1st Respondent/
Complainant

2.The Tahsildar,
Taluk Office,
Ramanathapuram.

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

4.The Revenue Divisional Officer,
Ramanathapuram.

...Respondents 2 to 4/
Respondents 2 to 4/Complainants

(Respondents 2 to 4 were called absent
Hence notice may be given up)

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to the order passed in Cr.M.P.No.1680 of 2021 dated 14.09.2021 on the file of the Learned Principal Sessions Judge, Ramanathapuram to set aside and modify the onerous conditions.

For Petitioner : Mr.D.Rameshkumar
For Respondents : Mr.K.Sanjai Gandhi
Government Advocate (Criminal Side)

O R D E R

This petition has been filed to set aside the onerous condition imposed by the learned Principal Sessions Judge, Ramanathapuram, in the order passed in Cr.M.P.No.1680 of 2021, dated 14.09.2021.



2.The petitioner claims to be the owner of the MF 241 DIJ Mahasakthi tractor with tipper bearing Registration No.TN-65-AF-9015. The respondent police 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.150 of 2021. Subsequently, the petitioner has approached the learned Principal Sessions Judge, Ramanathapuram, by way of filing a petition in Cr.M.P.No.1680 of 2021 for release of the vehicle and the learned Principal Sessions Judge has allowed the petition filed by the petitioner by its order dated 14.09.2021, by imposing condition to the effect that the petitioner was directed to surrender the original R.C.Book and also to deposit a sum of Rs.60,000/- before the Court in Crime No.150 of 2021 of Devipattinam Police Station and compliance of the condition, the above vehicle shall be returned to the petitioner on interim custody. Challenging the said condition imposed by the Court below, 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 condition imposed by the learned Principal Sessions Judge, Ramanathapuram to remit a sum of Rs.60,000/- as costs, is onerous.

5.Considering the grievance addressed by the learned counsel appearing on behalf of the petitioner with the relevant records, it would appear that the petitioner is a first offender. Further, the case is under investigation. Hence, in view of that, this Criminal Revision Case is partly allowed. The order of the learned Principal Sessions Judge, Ramanathapuram, made in Cr.M.P.No.1680 of 2021, dated 14.09.2021 is modified in respect of the condition No.3 alone and it is modified to the effect that the petitioner is directed to surrender the original R.C.Book and also to deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) before the Court below in Crime No.150 of 2021 of Devipattinam Police Station and compliance of the condition, the above vehicle shall be returned to the petitioner on interim custody. In respect of other conditions, the order of the learned Principal Sessions Judge, Ramanathapuram, shall remain unaltered.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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



To:-

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

CrI.R.C. (MD)No.50 of 2022
07.02.2022

NSN (CO)
GC (25.02.2022) 3P 7C