



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 02.02.2022

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THE HONOURABLE MRS. JUSTICE R. THARANI

CrI. R.C.(MD)No.26 of 2022

Baskaran

.. Petitioner /Petitioner

Vs.

1.The State Rep. by,
Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District.
(Crime No.286 of 2021)

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.

.. Respondents /Respondents

Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to revise the order of learned Principal Sessions Judge, Ramanathapuram made in Cr.M.P.No.2572 of 2021 dated 01.12.2021 and consequently to modify the onerous condition nos.3 and 6 of the said order.

For Petitioner : Mr.G.Thalaimuthuarasu

For Respondents : Mrs.M.Aasha, Government Advocate

ORDER

This petition has been filed to set aside the order passed in Cr.M.P.No.2572 of 2021 dated 01.12.2021, on the file of the learned Principal District Sessions Judge, Ramanathapuram, in respect of condition nos.3 and 6 alone.

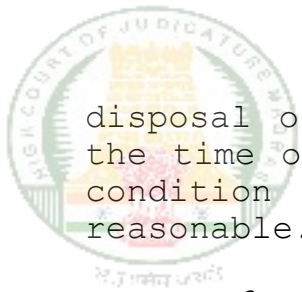


2.A Honda City car bearing Registration No.TN-63-AR-8863 was seized by the respondent police in Crime No.286 of 2021 under Section 379 of IPC r/w. Section 21(1) of Mines and Minerals (Development and Regulation) Act. Subsequently, the petitioner claiming himself as the owner of the Honda car, has approached 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.2572 of 2021 dated 01.12.2021, by imposing the condition nos.3 and 6 to the effect that "(iii)the petitioner is directed to remit a sum of Rs.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 JCB and tractor were involved in the offence and those vehicles were returned to the owners. The car was alleged to have been used for the escape of the accused from the spot. The admitted case of the prosecution is that the car was not used for commission of the offence. The condition imposed by the learned Principal Sessions Judge, Ramanathapuram is onerous and that if the vehicle is kept in the open space, the vehicle will get spoiled and prayed to set aside the condition.

4.On the side of the respondents, it is stated that the case against the petitioner is that he has transported ½ unit of river sand. Totally three vehicles were seized by the respondent Police. The petitioner is A3 in the case. The condition to deposit the amount is for a meaningful purpose. The petitioner has not stated anything against those conditions in the petition and prayed the petition to be dismissed.

5.In view of the above submissions, this Court is inclined to modify the third condition to the effect that "the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No.286 of 2021 on the file of the learned Principal Sessions Judge, Ramanathapuram and the learned Principal Sessions Judge is directed to keep the fund in a fixed deposit scheme in a Nationalised Bank and the learned Principal Sessions Judge is at liberty to dispose of the amount after the



disposal of the case". 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 is reasonable.

6. With the above direction, this Criminal Revision Case is partly allowed. The order of the learned Principal Sessions Judge, Ramanathapuram, in Cr.M.P.No.2572 of 2021 dated 01.12.2021, is thereby modified. In respect of other conditions, the order of the learned Principal District Sessions Judge shall remain unaltered.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

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.

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RD(16.02.2022) 4P 7C

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