



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 28.01.2022

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.61 of 2022

R.Karuppiah

.. Petitioner/Accused/
Owner of the Vehicle

Vs.

1.The State through the Inspector of Police,
Uchipuli Police Station,
Crime No.54 of 2021.

2.The Revenue Divisional Officer,
Ramanathapuram.

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

4.The Tahsildar,
Taluk Office,
Ramanathapuram.

.. Respondents/ Respondents
Complainants

Prayer : This criminal revision case is filed under Sections 397 and 401 of Cr.P.C., to call for the records pertaining to the order passed in Cr.M.P.No.1004 of 2021 dated 06.07.2021 on the file of the learned Principal Sessions Judge, Ramanathapuram and to set aside and to modify the onerous 3rd and 6th conditions.

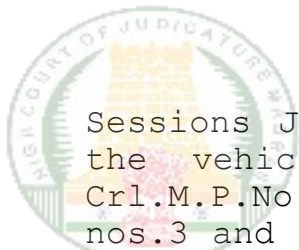
For Petitioner : Mr.T.Veerakumar

For Respondents : Mr.K.Sanjay Gandhi, Government Advocate

ORDER

This petition has been filed to set aside the order passed in Cr.M.P.No.1004 of 2021 dated 06.07.2021, on the file of the learned learned Principal Sessions Judge, Ramanathapuram, in respect of condition nos.3 and 6 alone.

2.A Tata Ace Goods Carrier bearing Registration No.TN-65-AH-1971 was seized by the respondent police in Crime No.54 of 2021 under Section 21(1) of Mines and Minerals (Development and Regulation)Act. Subsequently, the petitioner claiming himself as the owner of the goods carrier, has approached the learned Principal



Sessions Judge, Ramanthapuram, by filing a petition for release of the vehicles and the learned Judge allowed the petition in Crl.M.P.No.1004 of 2021 dated 06.07.2021, by imposing the condition nos.3 and 6 to the effect that "(iii)the petitioner shall deposit a sum of Rs.60,000/- to the credit of the District Minerals Foundation Trust, Ramanathapuram and the petitioner shall produce the receipt for the deposit 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 condition imposed by the learned Sessions Judge, Ramanathapuram is onerous and that he could not mobilise the funds to comply the third condition. 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 that if the vehicle is kept in the open space, the vehicle will get spoiled and prayed to set aside the conditions.

4.On the side of the respondents, it is stated that the deposit of Rs.60,000/- (Rupees Sixty Thousand only) for District Minerals Foundation Trust is for a useful purpose. The offence is against the society. The vehicle involved is a Tatat Ace Goods Carrier. The conditions imposed by the trial Court are reasonable and prayed the petition to be dismissed.

5.This Court is inclined to modify the third condition to the effect that "the petitioner is directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of Crime No.54 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 fixed deposit scheme in a Nationalised Bank and he is at liberty to dispose of the amount after the disposal of the case.

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.1004 of 2021 dated 06.07.2021, is thereby modified. In respect of other conditions, the order of the learned Principal Sessions Judge shall remain unaltered.

Sd/-

Assistant Registrar (CS II)

// 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 /

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



To

1.The Principal Sessions Judge, Ramanathapuram.

2.The Revenue Divisional Officer,
Ramanathapuram.

3.The Tahsildar,
Taluk Office,
Ramanathapuram.

4.The Inspector of Police,
Uchipuli Police Station,
Ramanathapuram District.

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

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

+1 CC to M/s.T.VEERAKUMAR, Advocate (SR-2824[F] dated 28/01/2022)
Crl. R.C. (MD)No.61 of 2022
28.01.2022

MGJ(08.02.2022) 3P 8C