



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATE : 25.01.2022
CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.53 of 2022

WEB COPY

Vasantha

.. Petitioner

Vs.

1.The Revenue Divisional Officer,
Ramanathapuram.

2.The Tahsildar,
Taluk Office,
Ramanathapuram.

3.State through the Inspector of Police,
Uthirakosamangai Police Station,
Ramanathapuram District.
(In Crime No.84 of 2021)

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

.. Respondents

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.2238 of 2021 dated 08.10.2021 on the file of the learned Principal Sessions Judge, Ramanathapuram and to set aside and to modify the onerous 3rd condition.

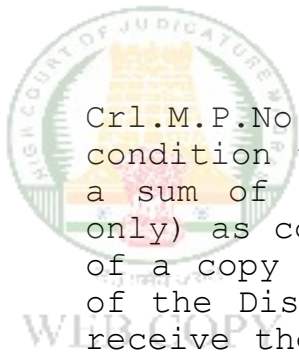
For Petitioner : Mr.T.Veerakumar

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

ORDER

This petition has been filed to set aside the order passed in Cr.M.P.No.2238 of 2021 dated 08.10.2021, on the file of the learned learned Principal Sessions Judge, Ramanathapuram, in respect of third condition alone.

2.A tipper lorry bearing Registration No.TN-65-AJ-6683 was seized by the respondent police in Crime No.84 of 2021 under Section 379 of IPC and Section 21(4) of Mines and Minerals (Development and Regulation)Act. Subsequently, the petitioner claiming himself as the owner of the tipper lorry, has approached the learned Principal Sessions Judge, Ramanathapuram, by filing a petition for release of the vehicles and the learned Judge allowed the petition in



Crl.M.P.No.2238 of 2021 dated 08.10.2021, by imposing the third condition to the effect that "(i)the petitioner undertakes to remit a sum of Rs.1,25,000/- (Rupees One Lakh and Twenty Five Thousand only) 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". Challenging the aforesaid condition, the petitioner is before this Court with this revision case.

3.On the side of the petitioner, it is stated that the conditions imposed by the learned Sessions Judge, Ramanathapuram is onerous and that he could not mobilise the funds to comply the third condition 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.1,25,000/- (Rupees One Lakh and Twenty Five Thousand only) for Environmental funds is for a useful purpose. The offence is against the society. The vehicle involved is a tipper lorry. 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.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.84 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.2238 of 2021 dated 08.10.2021, is thereby modified. In respect of other conditions, the order of the learned Principal Sessions Judge shall remain unaltered.

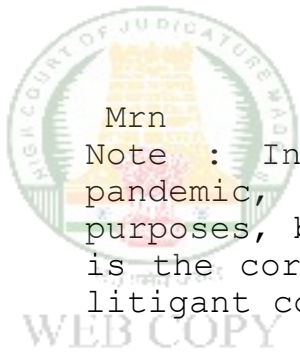
Sd/-

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 / litigant concerned.

To

1.The Principal Sessions Judge, Ramanathapuram.

2.The Revenue Divisional Officer,
Ramanathapuram.

3.The Tahsildar,
Taluk Office,
Ramanathapuram.

4.State through the Inspector of Police,
Uthirakosamangai Police Station,
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(In Crime No.84 of 2021)

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-2529[F] dated 27/01/2022)

Crl. R.C.(MD)No.53 of 2022
25.01.2022

RD(08.02.2022) 3P 8C