



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 28.01.2022

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WEB COPY

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.67 of 2022

Sivanantham

.. Petitioner/

Owner of the Vehicle

Vs.

1.The State,

Rep. By the Inspector of Police,
Thiruvadani Police Station,
Ramanathapuram District.
(Crime No.223/2021)

2.The Revenue Divisional Officer,
Ramanathapuram.

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

4.The Thasildar,
Taluk Office,
Tiruvadanai.

.. Respondents/Complainants

Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the records of the learned Principal Sessions Judge, Ramanathapuram in Cr.M.P.No.3178 of 2021 dated 05.01.2022 and to modify the condition in condition no.2(2) the petitioner is directed to remit a sum of Rs.2,50,000/- for the above said JCB and the petitioner is directed to remit a sum of Rs.1,50,000/- for the above said tipper lorry as costs within a period of two weeks from the date of receipt of a copy of this order.

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.3178 of 2021 dated 05.01.2022, on the file of the learned learned Principal Sessions Judge, Ramanathapuram, in respect of second condition alone.



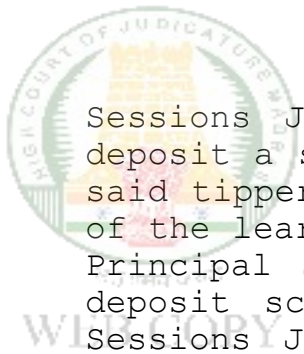
2.A JCB bearing Registration No.TN-65-AA-0297 and tipper lorry bearing Registration No.TN-32-Q-1096 were seized by the respondent police in Crime No.223 of 2021 under Section 379 of IPC r/w. Section 21(1) of Mines and Minerals (Development and Regulation) Act. Subsequently, the petitioner claiming himself as the owner of the JCB and 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.3178 of 2021 dated 05.01.2021, by imposing the second condition to the effect that "(ii)the petitioner is directed to remit a sum of Rs.2,25,000/- for the above said JCB and the petitioner is directed to remit a sum of Rs.1,50,000/- for the above said tipper lorry 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 purpose mentioned in the order 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 v. L. Ganesh Naidu (deceased) and two others. Further the petitioner shall produce the 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 condition imposed by the learned 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 respondent, it is stated that the conditions imposed by the trial Court are reasonable. If the vehicle is return to the revision petitioner, there is possibility of the vehicle to be used for commission of the similar offence again and prayed the petition to be dismissed.

5.This Court is inclined to *suo moto* modify the first condition to the effect that the petitioner is directed to execute a bond for a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) for the above said JCB with two sureties, each for a like sum to the satisfaction of the concerned Magistrate Court and the petitioner is directed to execute a bond for a sum of Rs.5,00,000/- (Rupees Five Lakhs only) for the above said tipper lorry with two sureties, each for a like sum to the satisfaction of the concerned Magistrate Court.

6.This Court is inclined to modify the second condition to the effect that the petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) for the above said JCB to the



Sessions Judge, Ramanathapuram and the petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) for the above said tipper lorry to the credit of Crime No.223 of 2021 on the file of the learned Principal Sessions Judge, Ramanathapuram. 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.

7. 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.3178 of 2021 dated 05.01.2021, is thereby modified. In respect of other conditions, the order of the learned Principal Sessions Judge shall remain unaltered.

Sd/-

Assistant Registrar (Records)

// 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 Assistant Director,
Geology and Mining Department,
Collectorate Complex,
Ramanathapuram.
4. The Thasildar,
Taluk Office,
Tiruvadanai.
5. The Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District.

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



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

COPY TO:-

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai. (2 copies)

Crl. R.C.(MD)No.67 of 2022
28.01.2022

svn(CO)
GC(23.03.2022) 4P 9C