



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.98 of 2022

Muniyasamy

... Petitioner/Petitioner/
owner of the property

Vs.

1.The Revenue Divisional Officer,
Paramakudi.

2.The Tahsildar,
Taluk Office,
Kamuthi.

3.State through the Inspector of Police,
Peraiyur Police Station,
Ramanathapuram District.
(In Crime No.117 of 2021)

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

...Respondents/Respondents/
Complainants

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records in Cr.M.P.No.3146 of 2021 dated 06.01.2022 on the file of the learned Principal Sessions Judge, Ramanathapuram and set aside and modify the onerous 1st, 2nd and 4th conditions.

For Petitioner : Mr.T.Veerakumar

For Respondents : Mr.S.Manikandan

Government Advocate (Criminal Side)

O R D E R

This petition has been filed to set aside the condition Nos.1, 2 and 4 imposed by the learned Principal Sessions Judge, Ramanathapuram, in the order passed in Cr.M.P.No.3146 of 2021, dated 06.01.2022.

2.The petitioner claims to be the owner of the JCB bearing Registration No.TN-16-A-8097. 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.117 of 2021. Subsequently, the



petitioner has approached the learned Principal Sessions Judge, Ramanathapuram, by way of filing a petition in Cr.M.P.No.3146 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 06.01.2022, 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.2,50,000/- before the Court in Crime No.117 of 2021 of Peraiyur 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.The learned counsel for the petitioner submitted that the said vehicle is old one and it valued four lakhs and it is used for multi pupose.

4.Heard the learned counsel appearing on either side and perused the materials available on record.

5.The only grievance of the petitioner is that the condition imposed by the learned Principal Sessions Judge, Ramanathapuram to remit a sum of Rs2,50,000/- as costs, is onerous.

6.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.3146 of 2021, dated 06.01.2022 is modified in respect of the condition No.2 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.1,00,000/- (Rupees one lakh only) before the Court below in Crime No.117 of 2021 of Peraiyur 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 (Accounts)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To:-

- 1.The Principal Sessions Judge,
Ramanathapuram.
- 2.The Revenue Divisional Officer,
Paramakudi.
- 3.The Tahsildar,
Taluk Office,
Kamuthi.
- 4.The Inspector of Police,
Peraiyur 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-4641[F] dated 08/02/2022)

CrI.R.C. (MD) No.98 of 2022
10.02.2022

PK(CO)
KB(28.02.2022) 3P 8C