



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 16.02.2022

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

**CrI.R.C. (MD)No.143 of 2022**

WEB COPY

Karmegam

... Petitioner/Petitioner/  
Owner of the Vehicle.

Vs.

1. The Revenue Divisional Officer,  
Paramakudi,  
Ramanathapuram District.
2. The Tahsildar,  
Taluk Office,  
Kamuthi,  
Ramanathapuram District.
3. The Assistant Director,  
Geology and Mining Department,  
Collectorate Complex,  
Ramanathapuram.
4. The State, Represented through  
The Sub-Inspector of Police,  
Emaneswaram Police Station,  
Ramanathapuram District.  
(Crime No.164 of 2021)

... Respondents/Respondents/  
Complainants

**Prayer:** This Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C. to set aside the impugned "condition no.3" made in the impugned order dated 01.12.2021 in Cr.M.P.No.2721 of 2021 on the file of the Learned Principal Sessions Judge, Ramanathapuram and consequently, to direct the 4<sup>th</sup> respondent to return the petitioner's two wheeler vehicle, namely TVS Jupiter, bearing registration number TN 65 BZ 7137 to the petitioner forthwith.

For Petitioner : Mr.M.S.Jeyakarthick

For Respondents : Mrs.M.Aasha  
Government Advocate (Criminal Side)

**ORDER**

This Criminal Revision Petition has been filed to set aside the impugned "condition no.3" made in the impugned order dated 01.12.2021 in Cr.M.P.No.2721 of 2021 on the file of the Learned Principal Sessions Judge, Ramanathapuram and consequently, to direct the fourth respondent to return the petitioner's two wheeler vehicle, namely TVS Jupiter, bearing registration number TN 65 BZ 7137 to the petitioner forthwith.



2.The petitioner claims to be the owner of the two-wheeler, namely, TVS Jupiter, bearing registration number TN 65 BZ 7137. The fourth respondent police has intercepted the vehicle of the petitioner and seized the same on the ground that it was used for carrying two cement bags without valid permit and registered a case in Crime No.164 of 2021 under Section 379 of IPC r/w 21(1) of Mines and Minerals (Development and Regulation) Act, 1957. Subsequently, the petitioner has approached the learned Principal Sessions Judge, Ramanathapuram, by way of filing a petition in Cr.M.P.No.2721 of 2021 for release of the two wheeler and the learned Judge has allowed the petition filed by the petitioner by its order dated 01.12.2021, by imposing the 3<sup>rd</sup> condition to the effect that the petitioner should deposit a sum of Rs.25,000/- before the Court in Cr.M.P.No.2721 of 2021 in favour of the District Legal Services Authority. Challenging the condition imposed by the trial Court, the petitioner is before this Court with this criminal revision.

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

4.The only grievance of the petitioner is that the 3<sup>rd</sup> condition imposed by the learned Principal Sessions Judge, Ramanathapuram are onerous.

5.In view of that, this Criminal Revision Case is allowed. The order of the learned Principal Sessions Judge, Ramanathapuram, made in Cr.M.P.No.2721 of 2021, dated 01.12.2021 is modified in respect of the third condition alone and in the third condition it is modified to the effect that the petitioner shall deposit a sum of Rs.5000/- (Rupees Five thousand only) in favour of the District Legal Services Authority. In respect of other conditions, the order of the learned Principal Sessions Judge, Ramanathapuram, shall remain unaltered.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr

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 Revenue Divisional Officer,  
Paramakudi,  
Ramanathapuram District.
2. The Tahsildar,  
Taluk Office,  
Kamuthi,  
Ramanathapuram District.
3. The Assistant Director,  
Geology and Mining Department,  
Collectorate Complex,  
Ramanathapuram.
4. The Sub-Inspector of Police,  
Emaneswaram Police Station,  
Ramanathapuram District.
5. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.
6. The District Legal Services Authority,  
Ramanathapuram.

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16.02.2022

MGJ(28.02.2022) 3P 7C