



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2022

CORAM:

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

CrI.R.C. (MD)No.217 of 2022

WEB COPY

Muruganantham

... Petitioner/Owner of the vehicle

Vs.

1.The Revenue Divisional Officer,
Paramakudi.

2.The Tahsildar,
Taluk Office,
Kadaladi.

3.The State through
The Sub Inspector of Police,
Kadaladi Police Station,
Ramanathapuram District.
Crime No.156/2021

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

... Respondent/Respondent

Prayer: This Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C. to call for the records of the learned Principal Sessions Judge, Ramanathapuram in Cr.M.P.No.2849 of 2021 dated 23.11.2021 and modify the condition in condition No. 3 & 6.

For Petitioners : Mr.S.Prabha

For R1 to R4 : Mr.K.Sanjai Gandhi
Government Advocate
(Criminal Side)

ORDER

This Criminal Revision Petition has been filed, seeking modification in the condition Nos.3 and 6 in the order passed by the learned Principal Sessions Judge, Ramanathapuram in Cr.M.P.No.2849 of 2021 dated 23.11.2021.

2.The petitioner claims to be the owner of the Agricultural Tractor and Trailer bearing Registration No.TN 65 AV 7022 Mahindra Yuvo 575 D1. The third respondent police has intercepted the vehicle of the petitioner and seized the same for the offence in Crime No.156 of 2021 under Section 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.2849 of 2021 for release of the vehicle and the learned Judge has allowed the petition filed by the petitioner by its order dated 23.11.2021, by imposing the third and sixth conditions to the effect that the petitioner was directed to deposit a sum of Rs.60,000/- in favour of the District Legal Services Authority, Ramanathapuram and further, he was directed to file an undertaking affidavit along with no objection certificate and a copy of the R.C.Book issued by the Sriram Transport Finance Company, Sayalgudi and a self attested true copy of the R.C.Book at the time of furnishing the sureties, respectively. 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 third and sixth conditions 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.2849 of 2021, dated 23.11.2021, is modified in respect of the third and sixth conditions. The third condition is modified to the effect that the petitioner shall deposit a sum of Rs.40,000/- (Rupees Forty thousand only) in favour of the District Legal Services Authority, Ramanathapuram and the sixth condition is modified as the petitioner shall produce an attested xerox copy of the R.C.Book of the said vehicle before the Court below since the petitioner has not paid the instalments regularly for the availed loan, he could not able to obtain the no objection certificate from the financier namely, Sriram Insurance Company. In respect of other conditions, the order of the learned Principal Sessions Judge, Ramanathapuram, shall remain unaltered.

Sd/-

Assistant Registrar (AD I)

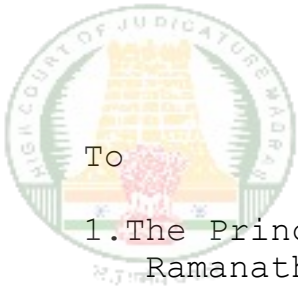
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/ /2022

Sub Assistant Registrar(CS)

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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,
Paramakudi.
- 3.The Tahsildar,
Taluk Office,
Kadaladi.
- 4.The Sub Inspector of Police,
Kadaladi Police Station,
Ramanathapuram District.
Crime No.156/2021
- 5.The Assistant Director,
Geology and Mining Department,
Collectorate Complex,
Ramanathapuram.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

The Section Officer,Criminal Records,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.PRABHA, Advocate (SR-10729[F] dated 08/03/2022)

Crl.R.C.(MD)No.217 of 2022

07.03.2022

MGJ(25.03.2022) 3P 10C