



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2022

CORAM:

WEB COPY

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

Crl.R.C. (MD)No.222 of 2022

Mohamed Maharooof

... Petitioner/ Petitioner/
Owner of the vehicle

Vs.

1. The State through the Inspector of Police,
Devipattinam Police Station.
Crime No.147 of 2021

2. The Tahsildar,
Ramanathapuram Taluka,
Ramanathapuram District.

3. The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.

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

... Respondent/ Respondent/
Complainant

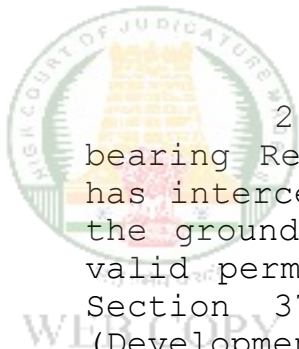
Prayer: This Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C. to call for the records pertaining to the order passed in Crl.M.P.No.1876 of 2021 dated 04.12.2021 on the file of the Principal District and Sessions Court, Ramanathapuram to set aside and Modify the onerous condition No.2.

For Petitioner : Mr.B.Mahendra Rajan

For Respondents : Mr.K.Sanjai Gandhi
Government Advocate (Crl.Side)

ORDER

This Criminal Revision Petition has been filed praying to set aside the impugned order passed by the learned Principal Sessions Judge, Ramanathapuram in Crl.M.P.No.1876 of 2021 dated 04.12.2021 and modify the onerous condition No.2.



2.The petitioner claims to be the owner of the Tractor bearing Registration No.TN-65-AP-1985. The first respondent police has 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.147 of 2021 under Section 379 of IPC and Section 21(4) 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 Crl.M.P.No. 1876 of 2021 for release of the Tractor and the learned Judge has allowed the petition filed by the petitioner by his order dated 04.12.2021, by imposing the second condition to the effect that the petitioner should deposit a sum of Rs.60,000/- 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 second condition imposed by the learned Principal Sessions Judge, Ramanathapuram is onerous.

5.In view of that, this Criminal Revision Case is partly allowed. The order of the learned Principal Sessions Judge, Ramanathapuram made in Crl.M.P.No.1876 of 2021, dated 04.12.2021 is modified in respect of the second condition alone and the second 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, in Crl.M.P.No.1876 of 2021. In respect of other conditions, the order of the learned Principal Sessions Judge, Ramanathapuram, shall remain unaltered.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar

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 District and Sessions Judge,
Ramanathapuram.
2. The Inspector of Police,
Devipattinam Police Station.
3. The Tahsildar,
Ramanathapuram Taluka,
Ramanathapuram District.
4. The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.
5. The Director,
Geology and Mining Department,
Collectorate Complex,
Ramanathapuram District.
6. The Addiitonl Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
7. The officer Incharge,
District Legal Services Authority,
Ramanathapuram.

Crl.R.C. (MD) No.222 of 2022
07.03.2022

lr

MS/17.03.2022/3P.8C