



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2022

CORAM:

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

CrI.R.C. (MD)No.245 of 2022

WEB COPY

Jasim Shfiq

... Petitioner/Petitioner/
Owner of the Vehicle

Vs.

1. The State through
The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District,
Cr.No.59 of 2021.
2. The Revenue Divisional Officer,
Ramanathapuram.
3. The Assistant Director,
Geology and Mining Department,
Collectorate Complex,
Ramanathapuram.
4. The Tahsildar,
Taluk Office,
Ramanathapuram.

...Respondents/Respondents/
Complainants

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.1818 of 2021, dated 13.09.2021 and to set aside and modify the condition in condition No.3.

For Petitioner : Mr.D.Ramesh Kumar

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

ORDER

This Criminal Revision Petition has been filed to set aside and modify the third condition in the order passed by the learned Principal Sessions Judge, Ramanathapuram in Cr.M.P.No.1818 of 2021, dated 13.09.2021.



2.The petitioner claims to be the owner of the Tractor bearing Registration No.TN-65 M 5544 and an unnumbered Trailer. The first respondent police has intercepted the vehicles of the petitioner and seized the same on the ground that it were used for carrying illegal sand without any valid permit and registered a case in Crime No.59 of 2021 under Section 379 of IPC and 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.1818 of 2021 for release of the Tractor and an unnumbered Trailer and the learned Judge has allowed the petition filed by the petitioner by order, dated 13.09.2021, by imposing the 3rd condition to the effect that the petitioner should deposit a sum of Rs.60,000/- in favour of the District Legal Services Authority, Ramanathapuram. 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 3rd 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 Cr.M.P.No.1818 of 2021, dated 13.09.2021 is modified in respect of the 3rd condition alone and in the 3rd condition, it is modified to the effect that the petitioner shall deposit a sum of Rs.30,000/- (Rupees Thirty thousand only) in favour of the District Legal Services Authority, Ramanathapuram. In respect of other conditions, the order of the learned Principal Sessions Judge, Ramanathapuram, shall remain unaltered.

Sd/-

Assistant Registrar (CS I)

// 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 Principal Sessions Judge, Ramanathapuram.
2. The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District,
3. The Revenue Divisional Officer,
Ramanathapuram.
4. The Assistant Director,
Geology and Mining Department,
Collectorate Complex,
Ramanathapuram.
5. The Tahsildar,
Taluk Office,
Ramanathapuram.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

- 1.The Officer in Charge,
District Legal Services Authority,
Ramanathapuram.
- 2.The Section Officer,
Criminal Records,
Madurai Bench of Madras High Court,
Madurai.

CrI.R.C. (MD) No.245 of 2022
11.03.2022

MGJ(24.03.2022) 3P 10C