



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C. (MD)No.322 of 2022

Uma Maheswari

... Petitioner /Petitioner/
Purchaser of the Vehicle

Vs.

- 1.The State represented by
The Inspector of Police,
Abiramam Police Station
Ramanathapuram District
(Crime No.285 of 2021)
2. The Revenue Divisional Officer
Paramakudi, Ramanthapuram District
3. The Assistant Director
Geology and Mining Department
Collectorate Complex, Ramanathapuram
4. The Tashildar
Taluk Office
Kamuthi, Ramanthapuram District

...Respondents/Respondents/
Complainant

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the impugned condition No.2 made in the impugned order dt.21.1.2022 in Cr.MP.No.2587 of 2021 on the file of the Learned Principal Sessions Judge,Ramanathapuram and consequently to direct the R1 to return the Petitioners vehicle namely tipper lorry bearing Reg. No. TN 05 Y 9208 to the petitioner forthwith.

For Petitioner : Mr.M.S.Jeyakarthik
For Respondents : Mrs.M.Aasha
Government Advocate (Criminal Side)

O R D E R

This petition has been filed to set aside the impugned condition No.2 made in the impugned order dt.21.1.2022 in Cr.MP.No.2587 of 2021 on the file of the Learned Principal Sessions Judge,Ramanathapuram and consequently to direct the R1 to return the Petitioners vehicle namely tipper lorry bearing Reg. No. TN 05 Y 9208 to the petitioner forthwith.

2.The petitioner claims to be the owner of the tipper lorry bearing Reg.No. TN 05 Y 9208 and the petitioner's entire family is depending upon the income derived through the said vehicle. The

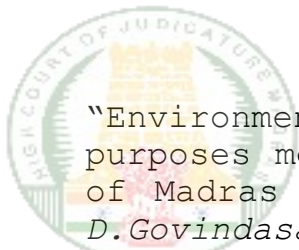


petitioner has purchased the above vehicle for construction and agricultural work. In the above circumstances on 24.05.2021 the first respondent police registered a case in Crime No. 285 of 2021 for the offences under Sections 379 of IPC r/w.21(1) of Mines and Minerals(Development and Regulation) Act 1957 alleging that the petitioner and other accused were illegally taking sand from kanmai without valid permit. Due to which the respondent police seized the above vehicle and it is now in the custody of the respondent police. Subsequently, the petitioner has approached the learned Principal Sessions Judge, Ramanathapuram, by way of filing a petition in Cr.M.P.No.2587 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 21.01.2022, directing the petitioner to remit a sum of Rs.1,25,000/- as costs to be paid within a period of two weeks from the date of receipt of a copy of this order by way of an individual deposit in favour of the District Legal Services authority, Ramanathapuram, who shall receive the said amount as "Environmental Fund" and make use of the said amount for the purposes mentioned in the order passed by the Hon'ble Madurai Bench of Madras High Court in CRP(NPD) No.1643 of 2010 dated 20.06.2018 *D.Govindasamy Vs.L.Ganesh Naidu (Deceased) and two others*. Further the petitioner shall produce the receipt for the remit of the same from the concerned authority at the time of furnishing security before the concerned Magistrate Court. Challenging the said condition imposed by the Court below, the petitioner is before this Court with this criminal revision.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl.Side) and perused the materials available on record.

4.The only grievance of the petitioner is that the condition imposed by the learned Principal Sessions Judge, Ramanathapuram to remit a sum of Rs.1,25,000/- as costs by way of an individual deposit in favour of the District Legal Services authority, Ramanathapuram is onerous.

5.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.2587 of 2021, dated 21.01.2022 directing the petitioner to deposit a sum of Rs.1,25,000/- as costs by way of an individual deposit in favour of the District Legal Services authority, Ramanathapuram is modified to the effect that the petitioner shall pay a sum of Rs.50,000/- (Rupees Fifty thousand only) as costs to be paid within a period of two weeks from the date of receipt of a copy of this order by way of an individual deposit in favour of the District Legal Services authority, Ramanathapuram, who shall receive the said amount as



"Environmental Fund" and make use of the said amount for the purposes mentioned in the order passed by the Hon'ble Madurai Bench of Madras High Court in CRP(NPD) No.1643 of 2010 dated 20.06.2018 *D.Govindasamy Vs.L.Ganesh Naidu (Deceased) and two others*. Further the petitioner shall produce the receipt for the remit of the same from the concerned authority at the time of furnishing security before the concerned Magistrate Court and on 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 (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To:-

- 1.The Principal Sessions Judge,
Ramanathapuram.
2. The Inspector of Police,
Abiramam Police Station
Ramanathapuram District
3. The Revenue Divisional Officer
Paramakudi, Ramanathapuram District
4. The Assistant Director
Geology and Mining Department
Collectorate Complex, Ramanathapuram
5. The Tashildar
Taluk Office, Kamuthi, Ramanathapuram District.
- 6.The officer In-charge,
District Legal Services authority, Ramanathapuram.
- 7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-15248[F] dated 30/03/2022)

Crl.R.C.(MD)No.322 of 2022

29.03.2022

RD(19.04.2022) 3P 8C

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