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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :19.04.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C(MD)No.380 of 2022

Latha

...Petitioner/Petitioner/
Owner of the Vehicle

Vs.

1.State through
The Inspector of Police,
Thirupalaikudi Police Station,
Ramanathapuram District.
(Cr.No.56 of 2020)

2.The Revenue Divisional Officer,
Ramanathapuram.

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

4.The Tahsildar,
Taluk Office,
RS Mangalam,
Ramanathapuram District.

... Respondents/Respondents/
Complainants

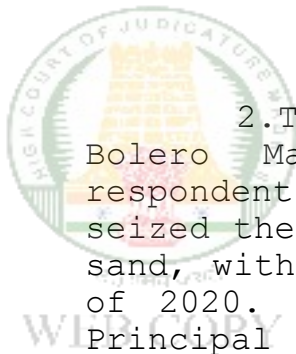
Prayer : This Criminal Revision has been filed under Section 397 & 401 of Criminal Procedure Code, to call for records pertaining to the order passed in Cr.M.P.No.3234 of 2021 dated 07.01.2022 on the file of the Principal Sessions Court, Ramanathapuram and modify the onerous conditions.

For Petitioner : Mr.G.Solairaja

For Respondents : Ms.M.Aasha
Government Advocate (Crl.side)

ORDER

This petition has been filed to set aside the condition No.2 imposed by the learned Principal Sessions Judge, Ramanathapuram, in the order passed in Cr.M.P.No.3234 of 2021, dated 07.01.2022.



2.The petitioner claims to be the owner of the Mahindra Bolero Maxi Truck bearing Registration No.TN-65-U-8951. The respondent police 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.56 of 2020. Subsequently, the petitioner has approached the learned Principal Sessions Judge, Ramanathapuram, by way of filing a petition in Cr.M.P.No.3234 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 07.01.2022, by imposing the 2nd condition to the effect that 'the petitioner was directed to remit a sum of Rs.60,000/- as costs within a period of two weeks from the date of receipt of a copy of the 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 2 others.** Further, the petitioner should produce the receipt for the remit of the same from the concerned Authority at the time of furnishing security before the trial 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 on either 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.60,000/- 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.3234 of 2021, dated 07.01.2022 is modified in respect of the condition No.2 is alone and it is modified to the effect that the petitioner is directed to remit a sum of Rs.40,000/- (Rupees Forty Thousand only) as costs 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 2 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 trial Court. In respect of other conditions, the order of the learned Principal Sessions Judge, Ramanathapuram, shall remain unaltered.

Sd/-

Assistant Registrar (AE)

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/ /2022

Sub Assistant Registrar(CS)

vsd

To

- 1.The Principal Sessions Judge, Ramanathapuram.
- 2.The Inspector of Police,
Thirupalaikudi 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,
RS Mangalam,
Ramanathapuram District.

Copy to

- 1.The District Legal Services Authority,
Ramanathapuram.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.G. SOLAIRAJA, Advocate (SR-19641[F] dated 20/04/2022)

CrI.R.C(MD)No.380 of 2022

19.04.2022

RK(29/04/2022) 3P 9C