



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**
Cr1.R.C. (MD)No.352 of 2022

WEB COPY

Ravichandran

... Petitioner/Petitioner

Vs.

1.The State represented by
The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
(Crime No.23 of 2022)

2.The Revenue Divisional Officer,
Ramanthapuram.

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

4.The Tahilsdar,
Thiruvadanai Taluk,
Ramanathapuram District.

...Respondents/Respondents

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records and set aside the conditions imposed vide para 14 (1) & 14 (2) of the order passed in Cr.M.P.No.604 of 2022 by the Principal Sessions Judge, Ramanathapuram 17.03.2022 and order interim custody of the Tractor and Trailer bearing Registration No.TN-65-AF-2157 with the petitioner as sought for, which is now under the custody of the first respondent in Crime No.23 of 2022 on his file.

For Petitioner : Mr.D.Venkatesh

For Respondents : Mrs.M.Aasha

Government Advocate (Criminal Side)

O R D E R

This petition has been filed to call for the records and set aside the conditions imposed vide para 14 (1) & 14 (2) of the order passed in Cr.M.P.No.604 of 2022 by the Principal Sessions Judge, Ramanathapuram 17.03.2022 and order interim custody of the Tractor and Trailer bearing Registration No.TN-65-AF-2157 with the



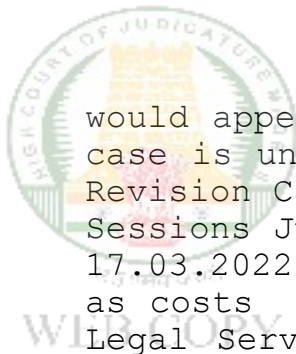
petitioner as sought for, which is now under the custody of the first respondent in Crime No.23 of 2022 on his file.

2. The petitioner claims to be the owner of the tractor and trailer bearing Reg.No. TN 65-AF-2157 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 16.01.2022 the first respondent police registered a case in Crime No. 23 of 2022 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.604 of 2022 for release of the vehicle and the learned Principal Sessions Judge has allowed the petition filed by the petitioner by its order dated 17.03.2022, directing the petitioner to remit a sum of Rs.60,000/- 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. He would also submit that the learned Principal Sessions Judge, Ramanathapuram has also directed the petitioner to execute a bond for a sum of Rs.1,00,000/- with two sureties for like sum to the satisfaction of the learned Magistrate concern. One surety shall be blood relative of the petitioner. 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.60,000/- 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.604 of 2022, dated 17.03.2022 directing the petitioner to deposit a sum of Rs.60,000/- 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.30,000/- (Rupees Thirty 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. Further the condition no.14(1) directing the petitioner to execute a bond for a sum of Rs.1,00,000/- with two sureties for like sum to the satisfaction of the learned Magistrate concern. One surety shall be blood relative of the petitioner is also modified to the effect that the petitioner shall execute a bond for a sum of Rs.1,00,000/- with two sureties each for the like sum to the satisfaction of the magistrate concerned. In respect of other conditions, the order of the learned Principal Sessions Judge, Ramanathapuram, shall remain unaltered.

Sd/-

Assistant Registrar (CS-I)

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/ /2022

Sub Assistant Registrar(CS)

btr/aav

To:-

- 1.The Principal Sessions Judge,
Ramanathapuram.
- 2.The District Munsif cum Judicial Magistrate, Thiruvadanai.
- 3.The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.



- 4.The Revenue Divisional Officer,
Ramanthapuram.
5. The Assistant Director,
Geology and Mining Department,
Collectorate Complex,
Ramanathapuram.
- 6.The Tahilsdar,
Thiruvadanai Taluk,
Ramanathapuram District.
- 7.The Officer in charge,
District Legal Services Authority,
Ramanathapuram.
- 8.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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

Cr1.R.C. (MD) No.352 of 2022
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RK(18/04/2022) 4P 11C