



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C(MD)No.421 of 2022

Devaraj

... Revision Petitioner/Petitioner

Vs.

1.The State through,
The Inspector of Police,
Thirupalakudi Police Station,
Ramanathapuram District.
(Crime No.21 of 2022).

2.The Revenue Divisional Officer,
Ramanathapuram.

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

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

... Respondents/Respondents

PRAYER: Criminal Revision Case filed under Sections 397 and 401 of the Code of Criminal Procedure, to call for the records relating to the impugned order, dated 14.03.2022 made in Crl.M.P.No.547 of 2022 on the file of the learned Principal Sessions Judge, Ramanathapuram and to set aside and modify the condition in Condition No.2.

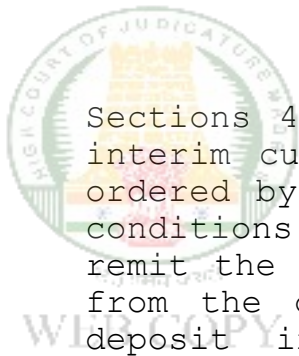
For Petitioner : Mr.V.S.Kumaraguru

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

ORDER

This Criminal Revision Petition has been filed to set aside the order passed by the learned Principal Sessions Judge, Ramanathapuram in Crl.M.P.No.547 of 2022, dated 14.03.2022 and to modify the Condition No.2.

2.The petitioner claims to be the owner of the tractor and trailer bearing Registration No.TN-65-J-5006 and the same was seized by the first respondent on 01.02.2022 in connection with Crime No.21 of 2022 for the offence under Section 379 of I.P.C r/w Section 21(4) of the Mines and Minerals (Development and Regulation) Act. Hence, the petitioner filed a petition in Crl.M.P.No.547 of 2022 under



Sections 451 and 457 of Cr.P.C before the trial Court seeking for interim custody of the tractor and trailer. The said petition was ordered by the trial Court by an order, dated 14.03.2022, with ten conditions and the second condition is "the petitioner direct to remit the sum of Rs.60,000/- as costs within a period of two weeks from the date of receipt of this order by way of an individual deposit in favour of the District Legal Service authority". Challenging condition No.2 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 the above, this Criminal Revision Case is partly allowed. The order of the learned Principal Sessions Judge, Ramanathapuram made in Crl.M.P.No.547 of 2022, dated 14.03.2022 is modified in respect of the second condition alone and in the second condition, it is modified to the effect that the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five thousand only) before the District 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 (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ps

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 Judicial Magistrate,
Ramanathapuram.
3. The District Legal Services Authority,
Ramanathapuram.
4. The Inspector of Police,
Thirupalakudi Police Station,
Ramanathapuram District.
5. The Revenue Divisional Officer,
Ramanathapuram.
6. The Assistant Director,
Geology and Mining Department,
Collectorate Complex,
Ramanathapuram.
7. The Tahsildar,
Taluk Office,
RS.Mangalam.
8. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1 CC to M/s.V.S. KUMARAGURU, Advocate (SR-22629[F] dated 29/04/2022)

Order made in
Cr1.R.C (MD) No. 421 of 2022
29.04.2022

MK/18.05.2022/3P/10C