



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.04.2022

CORAM:

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

Cr1.R.C. (MD)No.382 of 2022

Selvam

... Petitioner / Single Accused

Vs.

The State through the
Inspector of Police,
Madagupatti Police Station,
Sivagangai District.
(Crime No.263 of 2021)

...Respondent/ Respondent

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 first condition imposed in the impugned order, dated 16.12.2021 in Cr.M.P.No.4525 of 2021 on the file of the Principal Sessions Judge, Sivagangai in Crime No.263 of 2021 on the file of the respondent.

For Petitioner : Mr.V.Kannan

For Respondent : 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 first condition imposed in the impugned order, dated 16.12.2021 in Cr.M.P.No.4525 of 2021 on the file of the Principal Sessions Judge, Sivagangai in Crime No.263 of 2021 on the file of the respondent.

2. The petitioner claims to be the owner of the Tipper Lorry bearing Reg.No. TN 19 B 8551 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 11.09.2021 the respondent police registered a case in Crime No.263 of 2021 for the offences under Sections 379 of IPC r/w.21(4) of Mines and Minerals (Development and Regulation) Act, 1957 alleging that the petitioner was 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, Sivagangai, by way of filing a petition in Cr.M.P.No.4525 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 16.12.2021, directing the petitioner to deposit a sum of Rs.1,50,000/- before the said Court in Crime No.263 of 2021 within a



period of one week from the date of receipt of a copy of this order. 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, Sivagangai deposit a sum of Rs.1,50,000/- before the said Court in Crime No.263 of 2021 within a period of one week from the date of receipt of a copy of this order 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, Sivagangai, made in Cr.M.P.No.4525 of 2021, dated 16.12.2021 directing the petitioner to deposit a sum of Rs.1,50,000/- before the said Court in Crime No.263 of 2021 within a period of one week from the date of receipt of a copy of this order is modified to the effect that the petitioner shall pay a sum of Rs.50,000/-(Rupees Fifty Thousand only) as non refundable deposit 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, Sivagangai, 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, Sivagangai, shall remain unaltered.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

btr



To:-

- 1.The Principal Sessions Judge,
Sivagangai District, Sivagangai.
2. The Judicial Magistrate No.I, Sivagangai.
- 3.The Inspector of Police,
Madagupatti Police Station,
Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

The Secretary,
District Legal Services Authority,
Sivagangai.

+1 CC to M/s.V. KANNAN, Advocate (SR-19899[F] dated 20/04/2022)

Crl.R.C. (MD) No.382 of 2022
20.04.2022

RD(16.05.2022) 3P 7C