



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**
Crl.R.C.(MD)No.401 of 2022

WEB COPY

Niroja

... Petitioner/
Petitioner

Vs.

The State represented by
The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.
(Crime No.1189 of 2020)

... Respondent/
Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records of the order, dated 15.03.2022 in Cr.M.P.No.1194 of 2022 on the file of the learned Special Court under the Mines and Minerals (D & R) Act, 1957, Thanjavur (Principal Sessions Judge, Thanjavur) and set aside the condition Nos. 1 to 4 and delete the word "tipper" in condition Nos.6 and 8.

For Petitioner : Mr.C.Arulvadivel @ Sekar
For Respondent : Mrs.M.Aasha
Government Advocate (Criminal Side)

O R D E R

This Criminal Revision Case has been filed to set aside the Condition Nos.1 to 4 imposed by the learned Principal Sessions Judge, Thanjavur, in the order passed in Cr.M.P.No.1194 of 2022, dated 15.03.2022.

2. The petitioner claims to be the owner of the Tractor bearing Registration No.TN-49-CC-5554. The respondent police intercepted the vehicle of the petitioner and seized the same on the ground that it was used for carrying illegal river sand, without any valid permit and registered a case in Crime No.1189 of 2020. Subsequently, the petitioner has approached the learned Principal Sessions Judge, Thanjavur, by way of filing a petition in Cr.M.P.No.1194 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 15.03.2022, by imposing condition to the effect that the petitioner was directed to deposit a sum of Rs.40,000/- (Rupees Forty Thousand only) which is non-refundable, to the credit of "Patient Welfare Society, Government Hospital, Pattukkottai" by way of Demand Draft and produce the Demand Draft before the office of the Chief Civil Surgeon Medical Officer, Government Hospital, Pattukkottai and compliance of the condition, the above vehicle shall be returned to the petitioner on interim custody. 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 Nos.1 to 4 imposed by the learned Principal Sessions Judge, Thanjavur, to remit a sum of Rs.40,000/- (Rupees Forty Thousand only) 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, Thanjavur, made in Cr.M.P.No.1194 of 2022, dated 15.03.2022 is modified in respect of the condition Nos.1 to 4 alone and it is modified to the effect that condition Nos.1 to 3 are deleted and the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) which is non-refundable, to the credit of the District Legal Services Authority, Thanjavur (Environment) and 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, Thanjavur, shall remain unaltered.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To:-

- 1.The Principal Sessions Judge,
Special Court under the Mines and Minerals (D & R) Act,
Thanjavur.
- 2.The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.
- 3.The Officer in Charge,
District Legal Services Authority,
Thanjavur (Environment)
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

The Section Officer,Criminal(Records),
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.C.ARUL VADIVEL @ SEKAR, Advocate (SR-20784[F] dated
25/04/2022)

Crl.R.C.(MD)No.401 of 2022
22.04.2022

MGJ(02.05.2022) 3P 8C