



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **22.04.2022**

CORAM:

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

CrI.R.C. (MD)No.399 of 2022

WEB COPY

Dharmalingam

... Petitioner/
Petitioner/
owner of the Vehicle

Vs.

- 1.The State represented by
The Inspector of Police,
Peraiyur Police Station,
Ramanathapuram District.
(Crime No.67 of 2021)
- 2.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.
- 3.The Assistant Director,
Geology and Mining Department,
Collectorate Complex,
Ramanathapuram District.
- 4.The Tahsildar,
Taluk Office,
Kamuthi,
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 order, dated 07.10.2021 made in Cr.M.P.No.2147 of 2021, on the file of the learned Principal Sessions Judge, Ramanathapuram, in respect of Condition No. (3) is concerned.

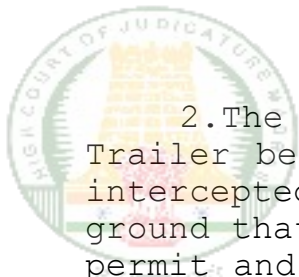
For Petitioner : Mr G.Vishunram

For Respondents : Mrs.M.Aasha
Government Advocate (Criminal Side)

O R D E R

This Criminal Revision Case has been filed to set aside the condition No.3 imposed by the learned Principal Sessions Judge, Ramanathapuram, in the order passed in Cr.M.P.No.2147 of 2021, dated 07.10.2021.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The petitioner claims to be the owner of the Tractor and Trailer bearing Registration No.TN-70-T-5653. The respondent police intercepted the vehicle of the petitioner and seized the same on the ground that it was used for carrying transit sand, without any valid permit and registered a case in Crime No.67 of 2021. Subsequently, the petitioner has approached the learned Principal Sessions Judge, Ramanathapuram, by way of filing a petition in Cr.M.P.No.2147 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 07.10.2021, by imposing condition to the effect that the petitioner was directed deposit a sum of Rs.60,000/- (Rupees Sixty 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 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 imposed by the learned Principal Sessions Judge, Ramanathapuram to remit a sum of Rs.60,000/- (Rupees Sixty 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, Ramanathapuram, made in Cr.M.P.No.2147 of 2022, dated 07.10.2021 is modified in respect of the condition No.3 alone and it is modified to the effect that the petitioner is directed to deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) in favour of the District Legal Services Authority, Ramanathapuram 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, Ramanathapuram, shall remain unaltered.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To:-

- 1.The Principal Sessions Judge,
Ramanathapuram.
- 2.The Inspector of Police,
Peraiyur Police Station,
Ramanathapuram District.
- 3.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.
- 4.The Assistant Director,
Geology and Mining Department,
Collectorate Complex,
Ramanathapuram District.
- 5.The Tahsildar,
Taluk Office,
Kamuthi,
Ramanathapuram District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 7.The Officer in Charge,
District Legal Services Authority,
Ramanathapuram.

Copy to

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

Crl.R.C. (MD)No.399 of 2022
22.04.2022

RK(02/05/2022) 3P 10C