



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2022

CORAM:

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

Crl.O.P.(MD) No.8191 of 2022

Saimon @ Sakkravarthi

...Petitioner

Vs.

- 1.State Through
The Inspector of Police,
Thirupalaikudi Police Station,
Ramanathapuram District,
(Crime No. 19 of 2022)
- 2.The Revenue Divisional Officer,
Ramanathapuram.
- 3.The Assistant Director,
Geology and Mining Department,
Collectorate Complex,
Ramanathapuram.
- 4.The Tahsildar,
Taluk Office,
R.S.Mangalam

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to set aside the conditions 2 and 6 imposed by the Learned Principal Sessions Judge, Ramanathapuram in Cr.M.P.No.678 of 2022 dated 18.03.2022.

For Petitioner : Mr. R. Aravind Raj
For Respondents : Mr. R.M.Anbunithi,
Additional Public Prosecutor

ORDER

This petition has been filed seeking direction to set aside the condition Nos. 2 and 6 imposed by the learned Principal Sessions Judge, Ramanathapuram in Cr.M.P.No.678 of 2022 dated 18.03.2022.

2. The learned counsel for the petitioner would submit that the petitioner is the owner of JCB bearing Reg. No. TN 65 AU 7420 which was seized by the first respondent police for the offence under Section 379 of IPC r/w.Section 21(4) of Mines and Minerals (Development and Regulation) Act. Thereafter the petitioner has filed a petition under Section 451 and 457 of Cr.P..C before the learned District Sessions Judge, Ramanathapuram for return of his vehicle in Crl.M.P.No.678 of 2022 and the learned Judge vide order dated 18.03.2022 had allowed the petition with a condition to



remit a sum of Rs.2,50,000/- 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 remittance of the same from the concerned authority at the time of furnishing security before the concerned Magistrate Court and also directed the petitioner to produce the original RC Book of the above said vehicle at the time of furnishing sureties. Challenging the said conditions imposed by the Court below, the petitioner is before this Court with this petition.

3.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor 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.2,50,000/- as costs by way of an individual deposit in favour of the District Legal Services authority, Ramanathapuram and to produce the original RC book the above said vehicle is onerous.

5.Considering the grievance addressed by the learned counsel appearing on behalf of the petitioner with the relevant records the order of the learned Principal Sessions Judge, Ramanathapuram, made in Cr.M.P.No.678 of 2022, dated 18.03.2022 directing the petitioner to deposit a sum of Rs.2,50,000/- 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.75,000/-(Rupees Seventy Five 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. Further the petitioner is directed to produce the certified copy of RC book, since the original RC book is surrendered before the financier from whom loan was availed for purchasing the vehicle and on compliance of both the condition, the vehicle namely JCB bearing Reg. No. TN 65 AU 7420 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.

6. This Criminal Original Petition is partly allowed.

WEB COPY

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

aav

To

- 1.The Principal Sessions Judge,
Ramanathapuram.
- 2.The Judicial Magistrate No.1
Ramanathapuram.
- 3.The Inspector of Police,
Thirupalaikudi Police Station,
Ramanathapuram District
- 4.The Revenue Divisional Officer,
Ramanathapuram.
- 5.The Assistant Director,
Geology and Mining Department,
Collectorate Complex, Ramanathapuram.
- 6.The Tahsildar,
Taluk Office, R.S.Mangalam
- 7.The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.

COPY TO:-

THE OFFICER INCHARGE,
DISTRICT LEGAL SERVICES AUTHORITY, RAMANATHAPURAM.

Crl.O.P.(MD) No.8191 of 2022
29.04.2022

SJ(CO)

GC(19.05.2022) 3P 9C