



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.05.2022

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.R.C(MD)No.440 of 2022

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... Petitioner/Petitioner/
Owner of the vehicle

Vs.

1.The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.

2.The Tahsildar,
Taluk Office,
Thiruvadanai Taluk,
Ramanathapuram District.

3.State through,
The Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District.
(In Crime No.31 of 2021).

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

... Respondents/Respondents/
Complainants

PRAYER: Criminal Revision Case filed under Section 397 and 401 of the Code of Criminal Procedure, to call for the records pertaining to the order passed in Cr.M.P.No.302 of 2022 dated 25.02.2022 on the file of the learned Principal District and Sessions Judge, Ramanathapuram and modify the onerous condition No.2 (the petitioner is directed to remit a sum of Rs.1,25,000/- as costs within a period of two weeks from the date of receipt of a copy of the order by way of an individual deposit in favour of the District Legal Services Authority) and condition No.6 (the petitioner is directed to produce the original R.C Book at the time of furnishing sureties).



For Petitioner : Mr.T.Veerakumar

For Respondents : Ms.M.Aasha

Government Advocate (Criminal Side)

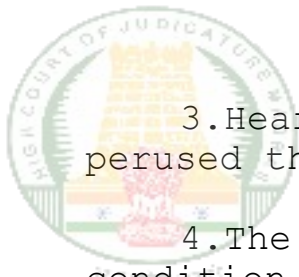
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ORDER

This Revision has been filed to set aside the order passed in Cr.M.P.No.302 of 2022, dated 25.02.2022 on the file of the learned Principal District and Sessions Judge, Ramanathapuram and modify the onerous condition No.2 (the petitioner is directed to remit a sum of Rs.1,25,000/- as costs within a period of two weeks from the date of receipt of a copy of the order by way of an individual deposit in favour of the District Legal Services Authority) and condition No.6 (the petitioner is directed to produce the original R.C Book at the time of furnishing sureties).

2.The petitioner submits that he is the owner of the Tipper Lorry bearing Registration No.TN-55-Q-9964. The third respondent seized the petitioner's vehicle on the allegation that the vehicle involved in illegal transportation of savudu sand. After seizure of the vehicle, the third respondent registered a case in Crime No.31 of 2021 under Section 379 of I.P.C r/w Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957. Hence, the petitioner filed an application in Crl.M.P.No.302 of 2022 before the learned Principal District and Sessions Judge, Ramanathapuram seeking for return of vehicle.

3.The learned counsel appearing for the petitioner submits that the second condition imposed by the lower Court to direct the petitioner to remit a sum of Rs.1,25,000/- as costs within a period of two weeks from the date of receipt of a copy of the order by way of an individual deposit in favour of the District Legal Services Authority is onerous and the sixth condition imposed by the lower Court that the petitioner is directed to produce the original R.C Book at the time of furnishing sureties, but the petitioner purchased the above said vehicle by availing loan from one P.Goutham Chand and Sons Finance at Chennai and at the time of availing loan, the petitioner handed over the original R.C Book before the said Private Finance Company. Hence, the petitioner is unable to produce the original R.C Book at the time of furnishing sureties and hence, the sixth condition imposed by the lower Court has to be modified. Aggrieved over the same, the petitioner preferred this 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.2 and 6 imposed by the learned Principal District and Sessions Judge, Ramanathapuram, is onerous.

5.In view of the above, this Criminal Revision Case is partly allowed. The order of the learned Principal District and Sessions Judge, Ramanathapuram made in Cr.M.P.No.302 of 2022, dated 25.02.2022 is modified in respect of the condition Nos.2 and 6. In the second condition, it is modified to the effect that "the petitioner is directed to remit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) as costs within a period of two weeks from the date of receipt of a copy of the order by way of an individual deposit in favour of the District Legal Services Authority" and in the sixth condition, it is modified to the effect that "the petitioner is directed to produce the attested copy of the original Registration Certificate of the vehicle obtained from the Financier". In respect of other conditions, the order of the learned Principal District and Sessions Judge, Ramanathapuram, shall remain unaltered.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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.Principal District and Sessions Judge,
Ramanathapuram.

2.The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.

3.The Tahsildar,
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Thiruvadanai Taluk,
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Collectorate Complex,
Ramanathapuram District.

Order made in
Crl.R.C (MD)No.440 of 2022
19.05.2022

SS/27.05.2022 : 4P/6C