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Crl.R.C.(MD) No.499 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **28.06.2022**

CORAM:

THE HONOURABLE MR.JUSTICE **K.MURALI SHANKAR**

Crl.R.C. (MD)No.499 of 2022

Palani

... Petitioner/Owner of the vehicle

Vs.

1.State rep.by

The Inspector of Police,
R.S.Mangalam Police Station,
Ramanathapuram District.
(Crime No.45 of 2022)

2.The Revenue Divisional Officer,
Ramanathapuram.

3.The Assistant Director,
Geology and Mining Department,
Colletorate Complex, Ramanathapuram.

5.The Thasildar,
Taluk Office, R.S.Mangalam.
(as per memo)

...Respondents/Complainants

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records of the learned Principal Sessions Judge, Ramanathapuram, in Cr.M.P.No.875 of 2022, dated 29.04.2022 and modify the condition No.2 that *"the petitioner is directed to remit a sum of Rs.2,50,000/- for the above said JCB - as costs within a period of two weeks from the date of receipt of copy of this order."*

For Petitioner : Mr.Veerakumar, T.

For Respondents : Mr.S.Manikandan,
Government Advocate (Crl. side)

O R D E R

This Criminal Revision Petition is directed against the conditions imposed by the learned Principal Sessions Judge, Ramanathapuram, in the order passed in Cr.M.P.No.875 of 2022, dated 29.04.2022.



2.The petitioner claims to be the owner of the JCB bearing Registration No.TN-55-AB-8397. The respondent police intercepted the vehicle viz., JCB bearing Registration No.TN-55-AB-8397 and seized the vehicle as the same was used for transporting of illegal sand without any valid license or permit and registered a case in Crime No.45 of 2021 for the offences under Section 379 of IPC and Section 21(4) of Mines and Minerals (Development and Regulation) Act.

3.It is not in dispute that the petitioner has approached the learned Principal Sessions Court, Ramanathapuram, for returning of JCB vehicle in Cr.M.P.No.875 of 2022 and the learned Principal Sessions Judge, vide order dated 29.04.2022, has allowed the petition with certain conditions that the petitioner shall pay a sum of Rs.2,50,000/- as costs within a period of two weeks from the date of receipt of copy of that 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 this Court in CRP(NPD)No.1643 of 2010, dated 20.06.2018
D.Govindasamy Vs. L.Ganesh Naidu (Deceased) and 2 others. Challenging the same, the above criminal revision came to be filed before this Court.

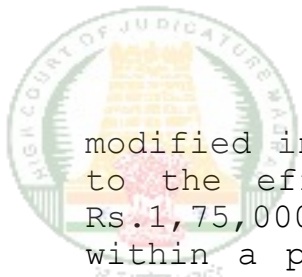
4.The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioner is having one previous case for similar offence.

5.The learned counsel for the petitioner would submit that the petitioner's vehicle was never involved in any illegal activity and the respondent police without verifying the same has foisted the above false case. He would further submit that the petitioner's family is depending upon the income deprived from the above said vehicle on rental basis.

6.The main grievance of the petitioner is that the condition imposed by the learned Principal Sessions Judge in directing the petitioner to deposit a sum of Rs.2,50,000/- as non-refundable deposit, is onerous and that the value of the vehicle will be deteriorated due to the exposure to sun and rain.

7.Considering the above facts and circumstances of the case and considering the nature of the offence alleged against the petitioner and also taking note of the fact that the conditions imposed by the learned Principal Sessions Judge is onerous, this Court is inclined to modify the conditions.

8.In the result, this Criminal Revision Petition is partly allowed. The order of the learned Principal Sessions Judge, Ramanathapuram, made in Cr.M.P.No.875 of 2022, dated 29.04.2022 is



modified in respect of the condition No.2 alone and it is modified to the effect that the petitioner is directed to pay a sum of Rs.1,75,000/- (Rupees One Lakh Seventy Five Thousand only) as costs within a period of two weeks from the date of receipt of 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 this Court in CRP(NPD)No.1643 of 2010, dated 20.06.2018 ***D.Govindasamy Vs. L.Ganesh Naidu (Deceased) and 2 others.*** In respect of other conditions, the order of the learned Principal Sessions Judge, Ramanathapuram, shall remain unaltered.

Sd/-

Assistant Registrar(T & P)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

das

To:-

- 1.The Principal Sessions Judge,
Ramanathapuram.
- 2.The Inspector of Police,
R.S.Mangalam Police Station,
Ramanathapuram District.
- 3.The Revenue Divisional Officer,
Ramanathapuram.
- 4.The Assistant Director,
Geology and Mining Department,
Colletorate Complex, Ramanathapuram.
- 5.The Thasildar,
Taluk Office, R.S.Mangalam.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



Copy to
The Officer incharge,
District Legal Services Authority,
Ramanathapuram.

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+1 CC to M/s.T. VEERAKUMAR, Advocate (SR-28446[F] dated
28/06/2022)

ORDER MADE IN
CrI.R.C. (MD) No.499 of 2022
28.06.2022

SRK(CO)
TR(06.07.2022) 4P 9C