



*Crl.R.C.(MD) No.536 of 2022*

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 24.06.2022

Delivered on : 30.06.2022

**CORAM:**

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

**Crl.R.C.(MD)No.536 of 2022**

Lakshmi

... Petitioner/Petitioner

Vs.

1. The State, represented by  
The Inspector of Police,  
Emaneswaram Police Station,  
Ramanathapuram District.  
(Crime No.31 of 2022)
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,  
Paramakudi,  
Ramanathapuram District.

...Respondents/Respondents



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**Prayer :** This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records and allow this Criminal Revision Petition by setting aside the order passed in Cr.M.P.No.924 of 2022 by the learned Principal Sessions Judge, Ramanathapuram, dated 25.04.2022.

For Petitioner : Mr.M.Pandian

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

### **ORDER**

This Criminal Revision Petition is directed against the order passed by the learned Principal Sessions Judge, Ramanathapuram, in Cr.M.P.No.924 of 2022 dated 25.04.2022.

2.The petitioner claims to be the owner of the TATA ACE GOLD BS-IV (Goods carrier) bearing Registration No.TN-65-AV-5186. On 31.01.2022, the first respondent police intercepted the vehicle viz., TATA ACE GOLD BS-IV bearing Registration No.TN-65-AV-5186 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.31 of 2022 for the offences under Section 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act.



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3.It is not in dispute that the petitioner has approached the learned Principal Sessions Court, Ramanathapuram, for returning of the said vehicle in Cr.M.P.No. 924 of 2022 and the learned Principal Sessions Judge, vide order dated 25.04.2022, has allowed the petition with certain conditions that the petitioner shall pay a sum of Rs.60,000/- 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, 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 2 others]***. Challenging the said order passed by the learned Principal Sessions Judge, the petitioner is before this Court with this Criminal Revision.

4.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondents.



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5.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.60,000/- as costs is onerous and that the value of the vehicle will be deteriorated due to the exposure to sun and rain.

6.Considering the above facts and circumstances of the case and also taking note of the fact that the condition imposed by the learned Principal Sessions Judge is onerous, this Court is inclined to modify the condition.

7.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.924 of 2022, dated 25.04.2022 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.30,000/- (Rupees Thirty Thousand only) 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***



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**[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.

**30.06.2022**

Index : Yes/No

Internet : Yes/No

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To:-

- 1.The Principal Sessions Court,  
Ramanathapuram.
2. The Inspector of Police,  
Emaneswaram 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,  
Paramakudi,  
Ramanathapuram District.
- 6.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**K.MURALI SHANKAR, J.**

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**ORDER MADE IN  
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**30.06.2022**