



Crl.R.C.(MD) No.611 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.611 of 2022

Malairajan

... Petitioner

Vs.

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

2.The Tahsildar,
Taluk Office, Kamuthi.

3.The State through
The Inspector of Police,
Mandalamanickam Police Station,
Crime No.124 of 2021.

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

...Respondents

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the condition No.2 imposed by order dated 17.09.2021 made in Crl.M.P.No.1677 of 2021 on the file of the learned Principal and Sessions Judge, Ramanathapuram and allow the revision.



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For Petitioner : Mr.Veerapandi Selvaraj. S.
For Respondents : Mr.K.Sanjai Gandhi,
Government Advocate (Crl. side)

ORDER

This Criminal Revision Petition is directed against the condition imposed by the learned Principal Sessions Judge, Ramanathapuram, in the order passed in Cr.M.P.No.1677 of 2021, dated 17.09.2022.

2.The petitioner claims to be the owner of the Tata Sumo bearing Registration No.TN-32-Y-5445. The respondent police intercepted the vehicle viz., Tata Sumo bearing Registration No.TN-32-Y-5445 and seized the vehicle as the same were used for transporting of illegal sand without any valid license or permit and registered a case in Crime No.124 of 2021 for the offence under Section 379 of IPC and Section 21(1) 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 vehicle in Cr.M.P.No.1677 of 2021 and the learned Principal Sessions Judge, vide order



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dated 17.09.2021, has allowed the petition with certain conditions that the petitioner shall execute a bond for a sum of Rs.1,00,000/- with two sureties for like sum to the satisfaction of the Court and that one surety shall be the blood relative of the petitioner. Challenging the said condition, the above criminal revision came to be filed before this Court.

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

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 execute a bond for a sum of Rs.1,00,000/- with two sureties for like sum to the satisfaction of the Court and out of two sureties, one surety shall be the blood relative of the petitioner, is onerous and that the value of the vehicle will be deteriorated due to the exposure to sun and rain.



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

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.1677 of 2021, dated 17.09.2021 is modified in respect of the condition No.2 alone and it is modified to the effect that the petitioner is directed to execute a bond for a sum of Rs.1,00,000/- with two sureties each for a like sum to the satisfaction of the concerned Court. In respect of other conditions, the order of the learned Principal Sessions Judge, Ramanathapuram, shall remain unaltered.

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Index : Yes/No
Internet : Yes/No
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To:-

- 1.The Principal Sessions Judge,
Ramanathapuram.
- 2.The Revenue Divisional Officer,
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Ramanathapuram District.
- 3.The Tahsildar,
Taluk Office, Kamuthi.
- 4.The State through
The Inspector of Police,
Mandalamanickam Police Station,
Crime No.124 of 2021.
- 5.The Assistant Director,
Geology and Mining Department,
Collectorate Complex, Ramanathapuram.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J .

das

ORDER MADE IN
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