



Crl.R.C.(MD) No.656 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.07.2022

CORAM:

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

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Villayutham

... Revision Petitioner/Petitioner/
Owner of the vehicle

Vs.

- 1.State rep.by its
The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
Crime No.154 of 2021.
- 2.The Revenue Division Officer,
Ramanathapuram.
- 3.The Assistant Director,
Geology and Mining Department,
Collectorate Complex,
Ramanathapuram.
- 4.The Tahsildar,
Taluk Officer,
Thiruvadanai,
Ramanathapuram District.

... Respondents



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Prayer : This Criminal Revision has been filed under Section 397 and 401 of Criminal Procedure Code, to call for the records pertaining to the order passed in Cr.M.P.No.1127 of 2022, dated 29.04.2022 on the file of the learned Principal Sessions Judge, Ramanathapuram and modify and set aside the onerous conditions.

For Petitioner : Mr.A.Arputharaj
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.1127 of 2022, dated 29.04.2022.

2.The petitioner claims to be the owner of the Tipper Lorry bearing Registration No.TN-45-AZ-1144. The respondent police intercepted the Tipper Lorry bearing Registration No.TN-45-AZ-1144 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.154 of 2021 for the offence under Sections 379 IPC r/w 21(1) of Mines and Minerals (Development and Regulation) Act, 1957.



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3.It is not in dispute that the petitioner has approached the learned Principal Sessions Court, Ramanathapuram, for returning of Tipper Lorry in Cr.M.P.No. 1127 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.1,25,000/- 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 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*** and further, the petitioner shall produce the receipt for the remit of the same from the concern Authority at the time of furnishing security before the learned Judicial Magistrate concern. Challenging the same, 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 respondents.



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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.1,25,000/- 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 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 conditions.

8.In the result, this Criminal Revision Petition is partly allowed. The order of the learned Principal Sessions Judge, Ramanathapuram, made in



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Cr.M.P.No.1127 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 shall pay a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) as non-refundable to the credit of the 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.

20.07.2022

Index : Yes/No

Internet : Yes/No

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To:-

- 1.The Principal Sessions Judge, Ramanathapuram.
- 2.The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
- 3.The Revenue Division Officer,
Ramanathapuram.



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- 4.The Assistant Director,
Geology and Mining Department,
Collectorate Complex,
Ramanathapuram.
- 5.The Tahsildar,
Taluk Officer,
Thiruvadanai,
Ramanathapuram District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER MADE IN
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20.07.2022