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Crl.R.C.(MD) Nos.679 and 681 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 28.09.2022

CORAM:

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

Crl.R.C.(MD)Nos.679 and 681 of 2022

Crl.R.C.(MD)No.679 of 2022

K.Ibrahim

... Petitioner/Petitioner

Vs.

The Inspector of Police,
Thiruppalai Police Station,
Thiruppalai,
Madurai.

...Respondent/Respondent

Crl.R.C.(MD)No.681 of 2022

K.Ibrahim

... Petitioner/Petitioner

Vs.

1.The Inspector of Police,
Thiruppalai Police Station,
Thiruppalai,
Madurai.



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2.The Branch Manager,
Sundaram Finance,
K.Pudhur, Madurai.

...Respondents/Respondents

Prayer in Crl.R.C.(MD)No.679 of 2022 : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to Cr.M.P.No.3008 of 2022 and to set aside the condition No.VIII and modify the same enumerated in the order passed therein dated 07.07.2022 and consequently direct the learned Special District Court to deal with the cases of offences in Contravention of the Provisions of the Mines & Minerals (D&R) Act, Madurai to release the vehicle bearing Registration No.TN-59-CF-2365 without any cash deposit.

For Petitioner : Mr.C.M.Arumugam

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

Prayer in Crl.R.C.(MD)No.681 of 2022 : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to Cr.M.P.No.3004 of 2022 and to set aside the condition No.VIII and modify the same enumerated in the order passed therein dated 07.07.2022 and consequently direct the learned Special District Court to deal with the cases of offences in Contravention of the Provisions of the Mines & Minerals (D&R) Act, Madurai to release the vehicle bearing Registration No.TN-59-CC-7834 without any cash deposit.



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For Petitioner : Mr.C.M.Arumugam

For Respondents : Mr.S.Manikandan,
Government Advocate (Crl. side) for R1

COMMON ORDER

Today, these petitions are listed under the caption “for clarification”.

2. These Criminal Revision Petitions are directed against the condition No.VIII imposed by the learned Special District Judge, Special District Court to Deal with the Cases of Offences in Contravention of Provisions of the Mines & Minerals (D&R) Act, 1957, Madurai, in the order passed in Cr.M.P.Nos.3008 and 3004 of 2022 dated 07.07.2022 and to release the vehicles bearing Registration Nos.TN-59-CF-2365 and TN-59-CC-7834 without any cash deposit.

3. The petitioner claims to be the owner of Tipper Lorries bearing Registration Nos.TN-59-CF-2365 and TN-59-CC-7834. On 20.04.2022, the respondent police intercepted the vehicles viz., two Tipper Lorry bearing Registration Nos.TN-59-CF-2365 and TN-59-CC-7834 and seized the vehicles as the same were used for transporting of illegal sand without any valid license or



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permit and registered a case in Crime No.79 of 2022 for the offences under Sections 379 IPC and 21(4) of the Mines and Minerals (D&R) Act, 1957.

4. It is not in dispute that the petitioner has approached the learned Special District Judge, MMDR Court, Madurai, for returning of the said vehicles in Cr.M.P.Nos.3008 and 3004 of 2022 and the learned Special District Judge, vide order dated 07.07.2022, has allowed the petitions with certain conditions that the petitioner in Cr.M.P.No.3008 of 2022 shall deposit a cash surety of a sum of Rs.1,00,000/- before the learned Judicial Magistrate No.2, Madurai and the petitioner in Cr.M.P.No.3004 of 2022 shall deposit a cash surety of a sum of Rs.50,000/- before the learned Judicial Magistrate No.2, Madurai. Challenging the said condition, the above Criminal Revisions came to be filed before this Court.

5. Heard the learned counsel appearing for the petitioner in both the petitions and the learned Government Advocate (Criminal Side) appearing for the respondent police.



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6. The learned counsel for the petitioner would submit that the petitioner's family is depending upon the income deprived from the above said vehicles.

7. The main grievance of the petitioner is that the condition imposed in Cr.M.P.Nos.3008 and 3004 of 2022 by the learned Special District Judge in directing the petitioner to deposit a cash surety of a sum of Rs.1,00,000/- and Rs.50,000/- are onerous and that the value of the vehicles will be deteriorated due to the exposure to sun and rain.

8. The learned Government Advocate (Criminal Side) would submit that the vehicle in Crl.R.C.(MD)No.679 of 2022 was involved in one case.

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

10. In the result, these Criminal Revision Petitions are partly allowed. The order of the learned Special District Judge, Special District Court to Deal with the Cases of Offences in Contravention of Provisions of the Mines & Minerals



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(D&R) Act, 1957, Madurai, made in Cr.M.P.Nos.3008 and 3004 of 2022, dated 07.07.2022 are modified in respect of the condition No.VIII alone and it is modified to the effect that the petitioner in Crl.R.C.(MD)No.679 of 2022 is directed to deposit a cash surety of a sum of **Rs.50,000/- (Rupees Fifty Thousand only)** before the learned Judicial Magistrate No.2, Madurai to the credit of the case and also execute a bond for a sum of Rs.1,00,000/- along with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate No.2, Madurai and the petitioner in Crl.R.C.(MD)No.681 of 2022 is directed to deposit a cash surety of a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** before the learned Judicial Magistrate No.2, Madurai to the credit of the case and also execute a bond for a sum of Rs.1,00,000/- along with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate No.2, Madurai. In respect of other conditions, the order of the learned Special District Judge, shall remain unaltered.

28.09.2022

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To:-

- 1.The Special District Judge,
Special District Court to Deal with the Cases of Offences in Contravention of
Provisions of the Mines & Minerals (D&R) Act, 1957, Madurai,
2. The Inspector of Police,
Thiruppalai Police Station,
Thiruppalai,
Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

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