



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C. (MD) No.657 of 2021

Gopal

... Petitioner/Petitioner

Vs.

1.The District Collector,
Dindigul.

2.The Assistant Director,
Department of Geology and Mining,
Dindigul.

3.The Revenue Divisional Officer,
Palani.

4.The Thasildar,
Vedasandhur,
Dindigul.

5.The State represented by
The Inspector of Police,
Vedasandur Police Station,
Dindigul.

... Respondents/Respondents

PRAYER: Criminal Revision Case filed under Section 397 and 401 Cr.P.C., to call for the records and set aside the order dated 08.07.2021 made in Cr.M.P.No.960 of 2021, on the file of the Principal Sessions Judge, Dindigul in respect of conditions (1) & (2) are concerned.

For Petitioner : Mr.P.Manikandan

For Respondents : Mrs.M.Aasha

Government Advocate (Criminal Side)

ORDER

This petition has been filed to set aside the condition No.1 and 2 imposed by the learned Principal Sessions Judge, Dindigul, in the order passed in Cr.M.P.No.960 of 2021, dated 08.07.2021.

2. The petitioner claims to be the owner of the TATA Benz bearing Registration No.TN-59-P-9787. The respondent police intercepted the vehicle of the petitioner and seized the same on the ground that it was used for carrying illegal sand, without any valid permit and registered a case in Crime No.63 of 2021. Subsequently,



the petitioner has approached the learned Principal Sessions Judge, Dindigul, by way of filing a petition in Cr.M.P.No.960 of 2021 for release of the vehicle and the learned Principal Sessions Judge has allowed the petition filed by the petitioner by an order dated 08.07.2021, by imposing conditions 1 and 2 to the effect that after assigned R.P.R.Number, the petitioner was directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) before the District Mines and Mineral Foundation Trust, Dindigul, as non-refundable deposit within a week from the date of R.P.R.number assigned and deposit all the documents pertaining to the ownership of the vehicle in question including the original R.C.Book before the Jurisdictional Magistrate forthwith and compliance of the condition, the above vehicle shall be returned to the petitioner on interim custody. Challenging the said conditions imposed by the Court below, the petitioner is before this Court with this criminal revision.

3. Heard the learned counsel appearing on either side and perused the materials available on record.

4. The only grievance of the petitioner is that Condition Nos.1 and 2 imposed by the learned Principal Sessions Judge, Dindigul, is onerous.

5. Considering the grievance addressed by the learned counsel appearing on behalf of the petitioner with the relevant records, it would appear that the petitioner is a first offender. Further, the case is under investigation. Hence, in view of that, this Criminal Revision Case is partly allowed. The order of the learned Principal Sessions Judge, Dindigul, made in Cr.M.P.No.960 of 2021, dated 08.07.2021 is modified in respect of the condition No.1 alone and it is modified to the effect that the petitioner is directed to surrender the original R.C.Book and also after assigned R.P.R.Number, the petitioner shall deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) in favour of the District Mines and Mineral Foundation Trust, Dindigul, as non-refundable deposit within a week from the date of R.P.R.Number assigned and compliance of the condition, the above vehicle shall be returned to the petitioner on interim custody. In respect of other conditions, the order of the learned Principal Sessions Judge, Dindigul, shall remain unaltered.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



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Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Principal Sessions Judge,
Dindigul
- 2.The District Collector,
Dindigul.
- 3.The Assistant Director,
Department of Geology and Mining,
Dindigul.
- 4.The Revenue Divisional Officer,
Palani.
- 5.The Thasildar,
Vedasandhur,
Dindigul.
- 6.The Inspector of Police,
Vedasandur Police Station,
Dindigul.
- 7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court.
Madurai.

ORDER MADE IN
Crl.R.C.(MD) No.657 of 2021
24.02.2022

PKP/12.03.2022/3P/8C