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CrI.R.C.(MD) No.751 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.R.C. (MD) No.751 of 2021

Muniyasamy

... Petitioner/Petitioner

Vs.

1.The State represented by
The Inspector of Police,
Kadaladi Police Station,
Ramanathapuram District.
(Crime No.25 of 2021)

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

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

4.The Thasildar,
Taluk Office,
Kadaladi,
Ramanathapuram District.

... Respondents/Respondents

PRAYER: Criminal Revision Case filed under Section 397 and 401 Cr.P.C., to call for the entire records in relating to the impugned order dated 25.08.2021 made in Cr.M.P.No.1575 of 2021 on the file of the learned Principal Sessions Judge, Ramanathapuram, and to set aside the the same insofar as the conditions 3 and 6 made in the above order are concerned.

For Petitioner : Mr.M.S.Jeyakarthick

For Respondents : Mr.K.Sanjay Gandhi

Government Advocate (Criminal Side)

ORDER

This petition has been filed to set aside the condition Nos.3 and 6 imposed by the learned Principal Sessions Judge, Ramanathapuram, in the order passed in Cr.M.P.No.1575 of 2021, dated 25.08.2021.



2. The petitioner claims to be the owner of the vehicle, namely, Tractor bearing Registration No.TN-65-AY-9398. The first 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.25 of 2021. Subsequently, the petitioner has approached the learned Principal Sessions Judge, Ramanathapuram, by way of filing a petition in Cr.M.P.No.1575 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 25.08.2021, by imposing conditions 3 and 6 to the effect that the petitioner was directed to remit a sum of Rs.60,000/- (Rupees Sixty Thousand only) within a period of two weeks from the date of receipt of copy of this order, by way of an individual deposit in favour of the Legal Services Authority, Ramanathapuram, and the petitioner is directed to produce the original R.C.Book at the time of furnishing the sureties. 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 condition 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.3 and 6 imposed by the learned Principal Sessions Judge, Ramanathapuram, 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, Ramanathapuram, made in Cr.M.P.No.1575 of 2021, dated 25.08.2021 is modified in respect of the condition Nos.3 and 6 and it is modified to the effect that the petitioner is directed to remit a sum of Rs.30,000/- (Rupees Thirty Thousand only) within a period of two weeks from the date of receipt of copy of this order, by way of an individual deposit in favour of the District Legal Services Authority, Ramanathapuram, The learned counsel for the petitioner would submitted that the original R.C.Book of the vehicle bearing Registration No.TN-65-AY-9398 is now seized by the financier. Since the vehicle can be produced for hypothecation.



6. Considering the above, the petitioner is directed to produce the certified copy of the R.C.Book of the vehicle. In respect of other conditions, the order of the learned Principal Sessions Judge, Ramanathapuram, shall remain unaltered.

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Sd/-

Assistant Registrar(AE)

// True Copy //

/ /2022

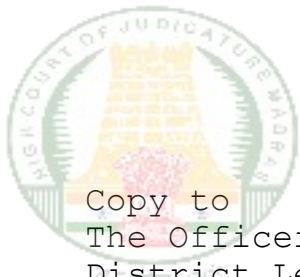
Sub Assistant Registrar(CS)

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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,
Ramanathapuram.
- 2.The Inspector of Police,
Kadaladi Police Station,
Ramanathapuram District.
- 3.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.
- 4.The Assistant Director,
Geology and Mining Department,
Collectorate Complex,
Ramanathapuram,
Ramanathapuram District.
- 5.The Thasildar,
Taluk Office,
Kadaladi,
Ramanthapuram District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court.
Madurai.



Copy to
The Officer Incharge,
District Legal Services Authority,
Ramanthapuram.

Crl.R.C.(MD) No.751 of 2021
24.02.2022

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TR (03.03.2022) 4P 8C