



Crl.R.C(MD)No.847 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.10.2022

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.R.C(MD)No.847 of 2022

Murugan

**... Petitioner/Petitioner/
Owner of the vehicle**

Vs.

**State Through
The Inspector of Police,
Usilampatti Taluk Police Station,
Madurai District.
(In Crime No.90 of 2021)**

**...Respondent/Respondent/
Complainant**

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to the order passed in Cr.M.P.No.1813 of 2022, dated 29.06.2022, on the file of 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, and modify the condition No.8 imposed by the lower Court is onerous and arbitrary.

For Petitioner : Mr.S.Vicram

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



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ORDER

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This petition has been filed to quash the order passed in Cr.M.P.No.1813 of 2022, dated 29.06.2022, on the file of 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, and modify the condition No.8 imposed by the lower Court is onerous and arbitrary.

2.The petitioner claims to be the owner of the Tractor bearing Registration No.TN-49-AB-7049 with its trailer bearing Reg.No.TN-63-F-9569. On 25.04.2021, the respondent police intercepted the vehicle of the petitioner and seized the same on the allegation that it was used for carrying illegal river sand without any valid permit, registered a case in Crime No.90 of 2021 under Section 379 of IPC r/w 21 (1) & 21(5) of Mines and Minerals (Development & Regulation) Act, 1957 and thereafter, the vehicle is in the custody of the respondent police. Subsequently, the petitioner approached the learned Special District Judge, MMDR Court, Madurai, by filing a petition for release of the Tractor and the learned judge allowed the petition filed by the petitioner in Cr.M.P.No.1813 of 2022, dated 29.06.2022, by imposing the



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condition to the effect that the petitioner shall deposit a sum of Rs.1,00,000/- to the credit of the Crime No.90 of 2021, and the petitioner shall produce the receipt for the deposit of the same from the concerned Authority at the time of furnishing security before this Court. Challenging the above said 8th condition imposed by the trial Court, 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 the 8th condition imposed by 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, is onerous. He would further submit that already the co-accused deposited a sum of Rs.10,000/- to the credit of crime number.

5.In view of that, this Criminal Revision is allowed. The order of the learned Special District Court to Deal with the Cases of Offences in Contravention of the Provisions of the Mines & Minerals (D&R) Act,



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Madurai, made in Cr.M.P.No.1813 of 2022, dated 29.06.2022, is hereby set aside in respect of the 8th condition. The 8th condition is modified to the effect that the petitioner shall deposit a sum of **Rs.50,000/- (Rupees Fifty Thousand Only)** to the credit of the Crime No.90 of 2021, and the petitioner shall produce the receipt for the deposit of the same from the concerned Authority at the time of furnishing security before the Trial Court. In respect of other conditions, the order of 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, shall remain unaltered.

19.10.2022

Index : Yes/No
Internet : Yes/No

dss

To

1.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,

2.The Inspector of Police,
Usilampatti Taluk Police Station,
Madurai District.



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