



WEB COPY



Crl.R.C.(MD).No.881 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.09.2022

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.R.C.(MD).No.881 of 2022

S.Rajkumar

.. Petitioner/Petitioner

Vs.

State through
The Inspector of Police,
Ayyampettai Police Station,
Thanjavur District.
(In Crime No.197/2022)

.. Respondent/Respondent

PRAYER: This Civil Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to call for the records pertaining to the order passed in Cr.M.P.No.3381 of 2022, dated 06.08.2022 on the file of the learned Special Court under the Mines and Minerals (D&R) Act, 1957, Thanjavur and modify the onerous condition 1.

For Petitioner : Mr.PL.S.Solaialagan

For Respondent : Mr.S.S.Madhavan
Government Advocate (Crl. Side)

ORDER

This Criminal Revision Case has been filed against the order passed in Cr.M.P.No.3381 of 2022, dated 06.08.2022 on the file of the learned Special Court under the Mines and Minerals (D&R) Act, 1957, Thanjavur



Crl.R.C.(MD).No.881 of 2022

and seeking modification of the onerous condition 1.

WEB COPY

2.The grievance that has been expressed by the learned counsel for the petitioner is that during the bail application proceedings along with co-accused, the petitioner was directed to deposit Rs.1.90 lakhs (Rupees One Lakh and Ninety Thousand only) to the credit of the Chief Educational Officer, Thanjavur (Development Fund), which is non-refundable deposit amount. According to the learned counsel for the petitioner, there are 8 accused persons in this matter. So his share comes around Rs.25,000/- only. He was also penalized in the present case also to release his vehicle and directed to deposit a sum of Rs.40,000/- (Rupees Forty Thousand only) to the credit of the Chief Educational Officer, Thanjavur (Development Fund), which is non-refundable deposit. Therefore, since already the petitioner was directed to part some amount during the bail proceedings, once again he cannot be penalized to deposit another amount for releasing the vehicle.

3.Considering the quantity of minerals involved, the above said order has been passed at the time of granting bail. This petitioner happens to be the owner of the vehicle. Therefore, even though the earlier order has been passed by the concerned Court to deposit some amount, it cannot be



Crl.R.C.(MD).No.881 of 2022

considered during this proceedings. Considering the fact that the vehicle is a 2019 make, this Court is inclined to reduce the deposit amount that has been imposed by the trial Court.

4.Accordingly, this Criminal Revision Case is allowed and the condition No.1 imposed by the trial Court in the order dated 06.08.2022 passed in Cr.M.P.No.3381 of 2022 is modified to the effect that the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of “The Chief Educational Officer, Thanjavur (Development Fund)”.

14.09.2022

Index : Yes / No
Internet : Yes / No
TM

To

- 1.The Judicial Magistrate No.III, Thanjavur.
- 2.The Inspector of Police, Ayyampettai Police Station, Thanjavur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



Crl.R.C.(MD).No.881 of 2022

G.ILANGO VAN,J.

TM

Crl.R.C.(MD).No.881 of 2022

14.09.2022