



Crl.R.C.(MD) No.883 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.09.2022

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.R.C.(MD)No.883 of 2022

N.Lakshmi

... Petitioner/Petitioner/
owner of the vehicle

Vs.

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

... Respondent/Respondent/
Complainant

Prayer : This Criminal Revision has been filed under Section 397 and 401 of Criminal Procedure Code, to call for the records pertaining to the order passed in Cr.M.P.No.3376 of 2022 dated 05.08.2022 on the file of the learned Special Court under the Mines and Minerals (D&R) Act, 1957, Thanjavur, and modify the onerous condition No.11(1).

For Petitioner : Mr.K.Sivabalan

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



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ORDER

This Criminal Revision Petition is filed against the conditions imposed by the Special Court under the Mines and Minerals (D&R) Act, 1957, Thanjavur, in the order passed in Cr.M.P.No.3376 of 2022, dated 05.08.2022, and modify the onerous condition No.11(1).

2.The learned Magistrate, while granting order of return of vehicle, imposed the conditions upon the petitioner. One of the condition (11(1) is that *'the petitioner is directed to pay a sum of Rs.40,000/- which is non-refundable, to the credit of the Education Department, by means of Demand Draft to be drawn in any one of the Nationalized Bank in favour of "the Chief Educational Officer, Thanjavur, (Development Fund) Account No.05350100020509" if Bank of Baroda, Thanjavur payable to Thanjavur and produce the original demand draft before the said office and obtain its proper acknowledgment receipt in his name with Crl.MP.P.No from the said office and produce the receipt, Xerox copy of Demand Draft along with memo before jurisdictional Magistrate'.*



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3.The grievance of the learned counsel for the petitioner is that the petitioner has not involved in the above said commission of offence. In the above said case, vehicle was used by the concerned accused person. Since the petitioner is the third party, the above said condition is onerous in nature.

4.Whether the vehicle is involved in the above said offence is a matter for investigation or trial. On that ground, the order of deposit non-refundable amount to the credit of the Education Department is modified to the effect that deposit the amount of Rs.40,000/- to the credit of crime number before the concerned Court. The other conditions shall remain unaltered.

5.Accordingly, this Criminal Revision Case is allowed.

15.09.2022

Index : Yes/No
Internet : Yes/No
dss



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G.ILANGOVA, J.,

dss

To:-

- 1.The Special Court under the Mines and Minerals (D&R) Act, 1957,
Thanjavur,
- 2.The Inspector of Police,
Ayyampettai Police Station,
Thanjavur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER MADE IN
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