



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 04.01.2022

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.983 of 2021

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.. Petitioner/Petitioner/
Owner of the Vehicle

Vs.

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Ramanathapuram District.

2.The Tahsildar,
Taluk Office,
Ramanathapuram.

3.The State through the Inspector of Police,
Bazaar Police Station,
Ramanathapuram.
(Crime No.76 of 2021)

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

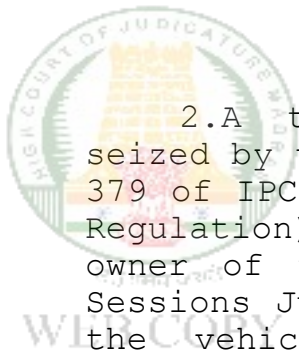
.. Respondents/Respondents/
Complainants

Prayer : This criminal revision case is filed under Sections 397 and 401 of Cr.P.C., to call for the records in Cr.M.P.No.1579 of 2021 dated 25.08.2021 on the file of the learned Principal Sessions Judge, Ramanathapuram and to set aside and modify the onerous condition nos.2, 3 and 6.

For Petitioner	: Mr.T.Veerakumar
For Respondents	: Mrs.M.Aasha, Government Advocate

ORDER

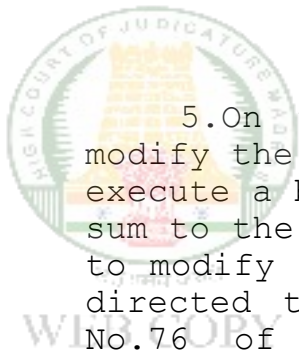
This petition has been filed to set aside the order passed in Cr.M.P.No.1579 of 2021 dated 25.08.2021, on the file of the learned Principal Sessions Judge, Ramanathapuram, in respect of condition nos.2, 3 and 6 alone.



2.A tipper lorry bearing Registration No.TN-74-J-7770 was seized by the respondent police in Crime No.76 of 2021 under Section 379 of IPC and Section 21(4) of Mines and Minerals (Development and Regulation) Act. Subsequently, the petitioner claiming himself as the owner of the Tipper lorry, has approached the learned Principal Sessions Judge, Ramanathapuram, by filing a petition for release of the vehicle and the learned Judge allowed the petition in Crl.M.P.No.1579 of 2021 dated 25.08.2021, by imposing the condition nos.2, 3 and 6 to the effect that "(ii)the petitioner shall execute a bond for a sum of Rs.1,00,000/- with two sureties for like sum to the satisfaction of this Court. One surety shall be the blood relative of the petitioner, (iii)the petitioner is directed to remit a sum of Rs.1,25,000/- as costs within a period of two weeks from the date of receipt of a copy of this order, by way of an individual deposit in favour of the District Legal Services Authority, Ramanathapuram, who shall receive the said amount as "Environmental Fund" and make use of the said amount for the purpose mentioned in the order and make use of the said amount for the purposes mentioned in the order passed by the Hon'ble Madurai Bench of Madras High Court in CRP(MD)No.1643 of 2010 dated 20.06.2018 D.Govindasamy v. L. Ganesh Naidu (deceased) and two others. Further the petitioner shall produce the receipt for the remit of the same from the concerned Authority at the time of furnishing security before this Court and (vi)the petitioner is directed to produce the original R.C. Book at the time of furnishing sureties". Challenging the aforesaid conditions, the petitioner is before this Court with this revision case.

3.On the side of the petitioner, it is stated that the first condition imposed by the trial Court is to execute a bond of Rs.1,00,000/- with two sureties and one surety shall be a blood relative of the petitioner and that the petitioner is not able to produce blood relative as the surety. It is further stated that the third condition imposed by the trial Court is to deposit a sum of Rs.1,25,000/- (Rupees One Lakh and Twenty Five Thousand only) for Environmental fund, District Legal Services Authority, Ramanathapuram, which is onerous. It is further stated that the sixth condition imposed by the trial Court is to produce the original RC book and that as the vehicle was hypothecated with a finance company, the petitioner could not produce the RC book and prayed to set aside the aforesaid conditions.

4.On the side of the respondents, it is stated that the vehicle was a mini lorry and the same was seized by the respondent police with one unit of river sand. The conditions are reasonable and the condition to deposit the amount is for a meaningful purpose and is not onerous. The petitioner is having ten previous cases including three similar offences. Out of 10 previous cases, six cases are from the Bazaar Police station and four cases are from Devipattinam Police Station and prayed the petition to be dismissed.



5.On the above said submissions, this Court is inclined to modify the second condition to the effect that "the petitioner shall execute a bond for a sum of Rs.3,00,000/- with two sureties for like sum to the satisfaction of the trial Court". This Court is inclined to modify the third condition to the effect that "the petitioner is directed to deposit a sum of Rs.75,000/- to the credit of Crime No.76 of 2021, before the learned Principal Sessions Judge, Ramanathapuram. On such deposit, the learned Principal Sessions Judge, Ramanathapuram, shall re-deposit the amount in any Nationalised Bank, so that, the amount accrues interest and the same can be disbursed, after the disposal of the case".

6.It is seen that the petitioner has not stated anything regarding the hypothecation of the vehicle in the original petition filed by him in the trial Court. The petitioner has not chosen to implead the finance company as the party to the proceedings and hence, the sixth condition is reasonable. In respect of other conditions, the order of the learned Principal Sessions Judge shall remain unaltered.

7.With the above directions, this Criminal Revision Case is allowed. The order of the learned Principal Sessions Judge, Ramanathapuram, in Cr.M.P.No.1579 of 2021 dated 25.08.2021, is thereby modified.

Sd/-

Assistant Registrar (T&P)

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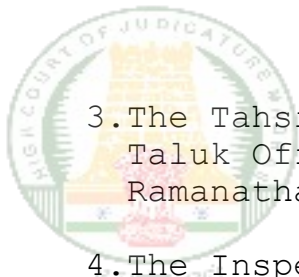
Sub Assistant Registrar(CS)

Mrn

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 Revenue Divisional Officer,
Revenue Divisional Office,
Ramanathapuram District.



3.The Tahsildar,
Taluk Office,
Ramanathapuram.

4.The Inspector of Police,
Bazaar Police Station, Ramanathapuram.

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

6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl. R.C.(MD)No.983 of 2021
04.01.2022

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