



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 04.01.2022

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.982 of 2021

Selladurai .. 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.579 of 2021)

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

.. Respondents/Respondents/Complainant

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.2005 of 2021 dated 21.09.2021 on the file of the learned Principal Sessions Judge, Ramanathapuram and to set aside and modify the onerous condition nos.2, 3 and 6.

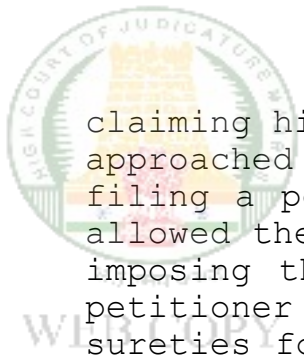
For Petitioner : Mr.T.Veerakumar

For Respondents : Mrs.M.Aasha, Government Advocate

ORDER

This petition has been filed to set aside the order passed in Cr.M.P.No.2005 of 2021 dated 21.09.2021, on the file of the learned Principal Sessions Judge, Ramanathapuram, in respect of condition nos.2, 3 and 6 alone.

2.A goods carrier Tata vehicle bearing Registration No.TN-74-AV-4252 was seized by the respondent police in Crime No.579 of 2020 under Section 379 of IPC and Section 21(4) of Mines and Minerals (Development and Regulation) Act. Subsequently, the petitioner

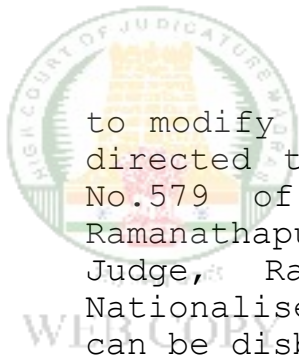


claiming himself as the owner of the goods carrier TATA vehicle, has approached the learned Principal Sessions Judge, Ramanathapuram, by filing a petition for release of the vehicle and the learned Judge allowed the petition in Crl.M.P.No.2005 of 2021 dated 21.09.2021, by imposing the condition nos.2, 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 condition, 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 blood relative of the petitioner and that the petitioner is not able to produce a 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 respondent, it is stated that the vehicle was a tipper 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 three previous cases including two cases of similar nature and prayed the petition to be dismissed.

5.On the above 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.579 of 2020, 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 a 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.2005 of 2021 dated 21.09.2021, is thereby modified.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

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

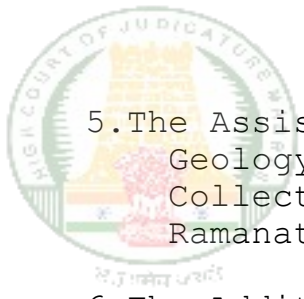
1.The Principal Sessions Judge, Ramanathapuram.

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.

<https://hcservices.ecourts.gov.in/hcservices/>



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.982 of 2021
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NSN (CO)
KB (20.01.2022) 4P 7C