



Crl.R.C.(MD) No.1079 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 31.10.2023

CORAM:

THE HON'BLE MR JUSTICE P.VADAMALAI

Crl.R.C.(MD)No.1079 of 2023

Jeyasuriya

... Petitioner/Petitioner/
owner of the vehicle

Vs.

- 1.State Through
Inspector of Police,
Chathirakudi Police Station,
Ramanathapuram District.
- 2.The Revenue Divisional Officer,
Paramakudi.
- 3.The Assistant Director,
Geology and Mining Department,
Collectorate Complex,
Ramanathapuram.
- 4.The Tahsildar,
Taluk Office,
Paramakudi.

... Respondent/Respondent/
Complainant



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Prayer : This Criminal Revision has been filed under Sections 397 and 401 of Criminal Procedure Code, to call for the records pertaining to the condition Nos.1 and 2 of the order in Crl.M.P.No.873 of 2022 dated 13.04.2022 on the file of the Principal Sessions Judge, Ramanathapuram and set aside the same.

(Amended as per order of the Court dated 18.10.2023 in Crl.M.P(MD).No. 14791 of 2023 in Crl.R.C(MD).No.1079 of 2023)

For Petitioner : Mr.R.Murali
For Respondents : Mr.K.Sanjay Gandhi
Government Advocate (Crl. Side)

ORDER

This Criminal Revision Petition is filed to call for the records pertaining to the order in Crl.M.P.No.873 of 2022 dated 13.04.2022 on the file of the Principal Sessions Judge, Ramanathapuram and set aside the condition Nos. 1 and 2.

2. The learned counsel for the revision petitioner submitted that the petitioner's father is the owner of the Tata SFC 709E Mini Van, bearing Registration No.TN-20-L-9954. On the date of occurrence (i.e) on 23.05.2021, it is alleged that the said vehicle was used for transporting the sand without proper permission. Based upon the complaint given by one Nagaraju, the respondent



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registered a case in Crime No.139 of 2021 for the offence under Sections 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957. The petitioner as the owner of the vehicle filed a petition under Section 451 of Cr.P.C in Crl.M.P.No.873 of 2022, before the Principal Sessions Judge, Ramanathapuram, for return of vehicle and the same was allowed on 13.04.2022, with certain conditions.

3. The learned Sessions Judge, while granting the order of return of vehicle, imposed 10 conditions including the following two conditions:-

(i) The petitioner shall execute a bond for a sum of Rs.1,00,000/- for the above said vehicle with two sureties for like sum to the satisfaction of the concerned Magistrate Court. One surety shall be the blood relative of the petitioner.

(ii) 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”



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and make use of the said amount for the purpose mentioned in the order passed by the Hon'ble Madurai Bench of Madras High Court in C.R.P.(NPD).No.1643 of 2010 dated 20.06.2018 in the case of Govindasamy Vs. 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 the learned Judicial Magistrate concerned.

4. The grievance of the learned counsel for the petitioner is that the petitioner's vehicle is not involved in the above said commission of offence. He would further submit that due to financial crisis, the petitioner is unable to deposit a sum of Rs.1,25,000/-(Rupees One Lakh Twenty Five Thousand only) before the District Legal Service Authority. Therefore, this Court may set aside the above said condition.

5. The learned Government Advocate (Crl.Side) appearing for the respondents submitted that the petitioner is having one previous case, which is similar in nature.



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6. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondents.

7. The main grievance of the petitioner is that the vehicle was manufactured in the year 2004 and the condition imposed by the learned Principal Sessions Judge, Ramanathapuram, in directing the petitioner to deposit a sum of Rs.1,25,000/- (Rupees One Lakh Twenty Five Thousand only) before the District Legal Service Authority is onerous.

8. Considering the above facts and circumstances of the case and also considering the oldness of the vehicle, the order of the learned Principal Sessions Judge, Ramanathapuram, made in Cr.M.P.No.873 of 2022, dated 13.04.2022 is modified in respect of the condition No.(2) alone and it is modified to the effect that the petitioner is directed *to remit a sum of Rs.50,000/- (Rupees Fifty Thousand only) 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*



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mentioned in the order passed by the Hon'ble Madurai Bench of Madras High Court in C.R.P.(NPD).No.1643 of 2010 dated 20.06.2018 in the case of Govindasamy Vs. 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 the learned Judicial Magistrate concerned. The other conditions 1 and 3 to 10 shall remain unaltered.

In the result, the Criminal Revision Case is allowed, accordingly.

31.10.2023

Index : Yes/No
Internet : Yes/No
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3. The Revenue Divisional Officer,
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4. The Assistant Director,
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5. The Tahsildar,
Taluk Office,
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6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P.VADAMALAI,J

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ORDER MADE IN
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