

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.877 of 2016

M.Siva ... Petitioner

Vs

1. State represented by
The Sub Inspector of Police,
PEW R.K. Pet Police Station.

2. R.Ramamorti ... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to modify the order in Crl.M.P.No.3861 of 2015 in C.A.No.86 of 2015 on the file of the learned Principal Sessions Judge, Thiruvallur and modify the same.

For Petitioner : Mr.R.Vivekananthan

For respondents : Mr.C.Emalias,
Addl. Public Prosecutor,
for R.1

ORDER

The present criminal original petition has been filed seeking to modify the order in Crl.M.P.No.3861 of 2015 in C.A.No.86 of 2015 on the file of the learned Principal Sessions Judge, Thiruvallur.

2. The petitioner is the owner of the Maruthi Swift Car bearing registration No.TN 22 BQ 8067. According to prosecution, on 17.10.2015, the said car was used by the second respondent for transporting illicit arrack. Hence, a case was registered in Crime No.668 of 2015 for the alleged offence punishable under sections 4(1)(aaa) read with 4(1)(A) of TNP Act and the said vehicle was seized by the first respondent police. Therefore, the petitioner filed a petition before the learned Judicial Magistrate, Tirutani in Crl.M.P.No.4672 of 2015 for return of the vehicle and the said petition was dismissed by the learned Magistrate by order dated 5.11.2015. Aggrieved over the same, the petitioner preferred a criminal revision before this Court in Crl.R.C.No.1201 of 2015 and the same was also dismissed by this Court by order dated 26.11.2015. In the meantime, the

petitioner reliably learnt that the first respondent has initiated confiscation proceedings by order dated 16.11.2015. Hence, the petitioner preferred an appeal in C.A.No.86 of 2015 along with stay petition in CrI.M.P.No.3861 of 2015 before the learned Principal Sessions Judge, Thiruvallur. The learned Principal Sessions Judge, Thiruvallur has granted stay on a condition that the petitioner shall deposit a sum of Rs.2,00,000/- before the first respondent on or before 23.12.2015, failing which the first respondent shall proceed without any further orders from that Court.

3. Learned counsel appearing for the petitioner submitted that the petitioner is not an accused in Crime No.668 of 2015 and he is only a third party to the case. Hence, the condition imposed by the learned Principal Sessions Judge, Thiruvallur to deposit a sum of Rs.2,00,000/- on or before 23.12.2015 is unwarranted. Thus, he sought to modify the said condition.

4. I have heard the learned Additional Public Prosecutor.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, the condition imposed by the learned Principal Sessions Judge, Thiruvallur in CrI.M.P.No.3861 of 2015 in C.A.No.86 of 2015 dated 21.12.2015, directing the petitioner to deposit a sum of Rs.2,00,000/- before the first respondent on or before 23.12.2015, is hereby deleted. The criminal original petition is ordered accordingly. The learned Principal Sessions Judge, Thiruvallur, is directed to dispose of the appeal in C.A.No.86 of 2015 as expeditiously as possible, preferably, within a period of three months from the date of receipt of a copy of this order.

sbi

s/d-
सहायक न्याय
Assistant Registrar (CO)

True Copy

Sub-Assistant Registrar

To

1. The Principal Sessions Judge,
Thiruvallur.
2. The Sub Inspector of Police,
PEW R.K. Pet Police Station.

3. The Public Prosecutor,
High Court, Madras.

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CrI.O.P.No.877 of 2016



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