



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2019

CORAM

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

Crl.O.P. No.34064 of 2019

Baskaran

... Petitioner/Accused 1

Vs.

The State Rep. By  
The Inspector of Police,  
Walajabad Police Station,  
Kanchipuram District,  
(Crime No.219 of 2019)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. to modify the conditional order dated 13.11.2019 imposed by the Principal District and Sessions Judge, Kanchipuram District at Chengalpattu in Crl.M.P.No.5094 of 2019, in Crime No.219 of 2019 on the file of the respondent police.

For Petitioner : Mr.D.Devendran

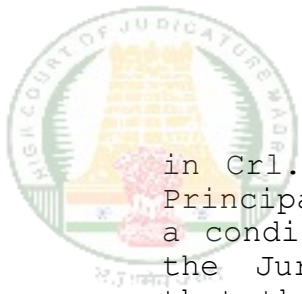
For Respondent : Mr.S.Thankira  
Government Advocate (Crl.Side)

O R D E R

This petition has been filed to modify the condition imposed in Crl.M.P.No.5094 of 2019 dated 13.11.2019, on the file of the Principal District and Sessions Judge, Kanchipuram District at Chengalpattu thereby imposed the condition(2) that the petitioner is directed to deposit a sum of Rs.25,000/- before the Jurisdictional Tahsildar concerned and on deposit, the said amount has to be deposited by the Jurisdictional Tahsildar concerned to the credit of the District Mines and Minerals Foundation Trust as Non refundable deposit.

2. The case of the prosecution is that the petitioner had transported sand illegally by using Vehicle Hero Honda Splender Pro Self Spokes bearing Registration No. TN 21 AK 2767. Hence, a case was registered in Crime No.219 of 2019 for the offences under Sections 379, 430 IPC r/w 21(1) of Mines and Minerals (Development & Regulation) Act r/w Section 3(1) of TN Public Property (Preventive of Damage & loss) Act.

3. The learned counsel for the petitioner submitted that he is the owner of the vehicle and the same was seized by the respondent police. Since the vehicle is kept in open to air, sun and rain at the respondent police station, he filed a petition



in CrI.M.P.No.5094 of 2019 to return the vehicle, wherein, the Principal District and Sessions Judge, Kancheepuram, had imposed a condition and directed to deposit a sum of Rs.25,000/- before the Jurisdictional Tahsildar concerned. The petitioner finds that the deposit amount imposed by the Court below is exorbitant and hence, he prays to modify the above said condition.

4.Per contra, the learned Government Advocate (Criminal Side) would submit that the petitioner has committed very serious offence and hence the learned Magistrate has rightly imposed the above said condition.

5. Considering the submission made on either side, this Court is inclined to modify the condition imposed by the Principal District and Sessions Judge, Kanchipuram District at Chengalpattu, in CrI.M.P.No.5094 of 2019 dated 13.11.2019, to the effect that the petitioner is directed to deposit a sum of Rs.5,000/- before the Jurisdictional Tahsildar concerned and on deposit, the said amount has to be deposited by the Jurisdictional Tahsildar concerned to the credit of the District Mines and Minerals Foundation Trust as Non refundable deposit. The other conditions shall remain intact.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

msrm

To

1. The Principal District and Sessions Judge,  
Kancheepuram  
Chengalpattu.
2. The Inspector of Police,  
Walajabad Police Station,  
Kanchipuram District,  
(Crime No.220 of 2019)
3. The Public Prosecutor,  
High Court, Madras.

CrI.O.P.No.34064 of 2019

GJ(CO)  
CB(09/01/2020)