



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.17307 of 2019

A.Yuvaraj @ Yuvaraja

... Petitioner

Vs

The State,
Rep. by its Sub Inspector of Police,
Kodaikanal Police Station,
Kodaikanal,
Dindigul District,
(Crime No.248 of 2019)

... Respondent

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to modify the first condition as non refundable deposit of Rs.50,000/- (Rupees Fifty Thousand only) by set aside the order in Crl.M.P.No.2358 of 2019 on the file of the Principal Sessions Judge, Dindigul, dated 12.11.2019.

For Petitioner : Mr.S.Selvakumar

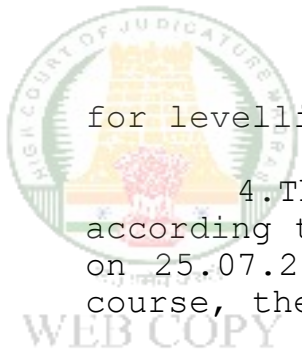
For Respondent : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl.side)

ORDER

The petitioner is the owner of the Heavy Motor Vehicle bearing registration No.TN 45 AR 5143. It was seized in connection with Crime No.248 of 2019 registered on the file of the Kodaikanal Police Station for the offences under Section 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957.

2.The petitioner applied for return of the vehicle. It was allowed by the learned Sessions Court by imposing condition that the petitioner shall deposit a sum of Rs.50,000/- before the concerned Trust as non refundable deposit.

3.The said conditions are usually imposed in order to discourage the involvement of the vehicle in sand theft. It appears that in the case on hand, the vehicle in question was utilized more



for levelling the patta land.

4.The petitioner's counsel also points out that even though according to the defacto complainant, the occurrence had taken place on 25.07.2019, FIR came to be registered only on 29.07.2019. Of-course, there is a reference to CSR issued on 26.07.2019.

5.The petitioner's counsel states that the occurrence had taken place in a place called Moonchikkal in Kodaikanal and there is absolutely no scope for unlawful removal of transportation of any stone or sand.

6.It is not in dispute that the JCB was found stationed in a patta land.

7.Taking note of the overall facts and circumstances of the case, I am satisfied that imposing a condition to deposit a sum of Rs.50,000/- is not warranted in this case. Of-course, this observation is made only for the purpose of granting relief in this petition. It will not be taken advantage in any collateral proceedings. Condition No.1 set out in the impugned order stands deleted. The impugned order shall stand in all other respects.

8.This criminal original petition is allowed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Sub Inspector of Police,
Kodaikanal Police Station,
Kodikanal, Dindigul District.

2.The Principal Sessions Judge, Dindigul.

+1 CC to M/s.S.SELVAKUMAR, Advocate (SR-20405[I] dated 25/11/2019)

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25.11.2019

SDS/VR/SAR-1 (26.11.2019) 2P 4C