

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2020

CORAM:

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

CRL.O.P.No.1462 of 2020

R. Rajesh

... Petitioner/Petitioner

Vs.

The State rep by

The Inspector of Police,
Thirukalukundram Police Station,
Kancheepuram District.
(Crime No.270 of 2019)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to modify the condition imposed in order passed by the Learned Principal District and Sessions Judge of Kancheepuram District at Chengalpattu on 20.11.2019 in Crl.M.P.No. 5942 of 2019 directing the petitioner to deposit in a sum of Rs.50,000/- to the Jurisdictional Tahsildar.

For Petitioner : Mr.G.Magesh Kumar

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

This petition has been filed to modify the condition imposed by the Learned Principal District and Sessions Judge, Kancheepuram District at Chengalpattu on 20.11.2019 in Crl.M.P.No. 5942 of 2019 directing the petitioner to deposit a sum of Rs.50,000/- to the Jurisdictional Tahsildar to the credit of the District Mines and Minerals Foundation Trust as Non-refundable deposit.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

3. The learned counsel for the petitioner has submitted that the petitioner's TATA 207 Van bearing Registration No.TN 10 P 1257 was seized by the respondent police for the alleged offence under Sections 430 and 379 of IPC r/w 21(1) M.M. (D&R) Act and

produced before the District Munsif-cum-Judicial Magistrate, Thirukalukundram. He further submitted that in order to get interim custody of the said vehicle, the petitioner has filed Crl.M.P.No.5942 of 2019 on the file of the Principal District and Sessions Judge, Kancheepuram at Chengalpattu. He further submitted that the learned Principal District and Sessions Judge by the order dated 20.11.2019 has allowed the said petition by imposing certain conditions; one such condition is (Condition No.2) that the petitioner shall deposit a sum of Rs.50,000/- to the credit of the District Mines and Minerals Foundation Trust as Non-refundable deposit. He further submitted that the said vehicle is a small van and further before the trying the case, it would not be proper to direct the petitioner to deposit such a huge amount as non-reufndable deposit and therefore he requests to modify the said condition.

4. Per contra, the learned Additional Public Prosecutor has submitted that since the petitioner's vehicle was used for transporting sand illegally, the said vehicle was seized. Considierng the same, the learned Principal District Sessions Judge has passed the aforesaid order and in the said order, this Court need not interfere.

5. Admittedly, the case is at the investigation stage. The petitioner is seeking only interim custody of the vehicle and under the said circumstances, this Court is of the view that the aforesaid condition is onerous one and hence the said condition requires modification.

6. In the result, this Criminal Original petition is allowed. The aforesaid condition No.2 imposed in the order passed in Crl.M.P. No.5942 of 2019 by the Principal District and Sessions Judge, Kancheepuram at Chengalpattu is modified to the effect that the petitioner shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) before the District Munsif-cum-Judicial Magistrate, Thirukalukundram in Crime No. 270 of 2019 as security.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ebsi

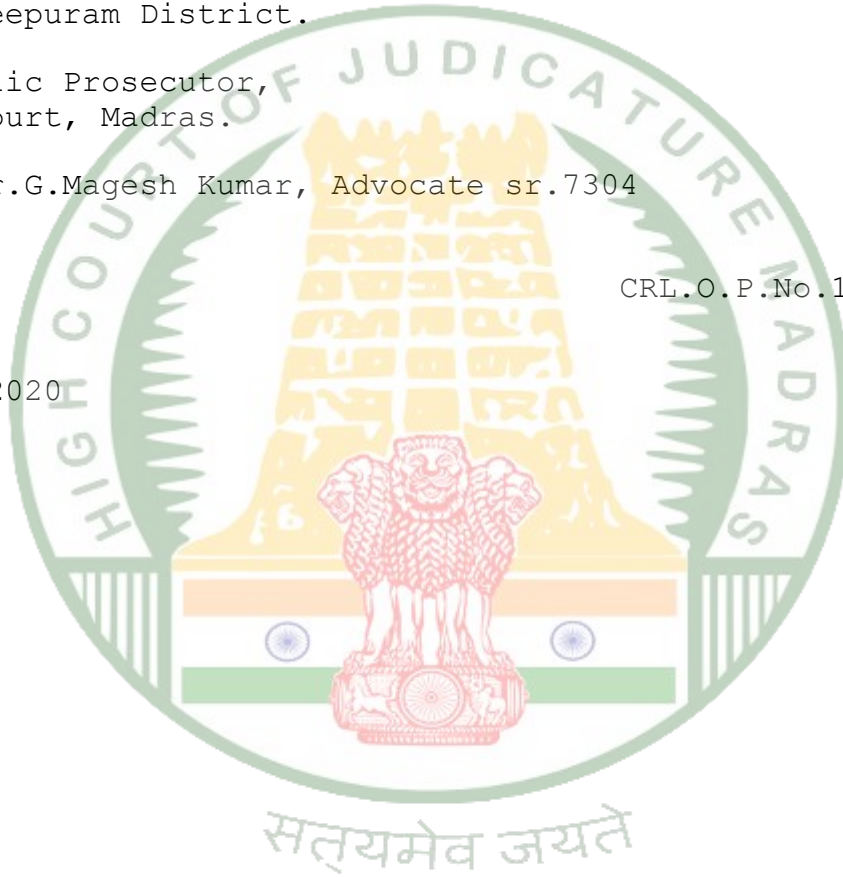
To

- 1.The Principal District & Sessions Court,
Kancheepuram at Chengalpattu.
2. The District Munsif cum Judicial Magistrate,
Thirukalukundram.
3. The Inspector of Police,
Thirukalukundram Police Station,
Kancheepuram District.
- 4.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.G.Magesh Kumar, Advocate sr.7304

CRL.O.P.No.1462 of 2020

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nr 31/01/2020



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