

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 29.01.2020
CORAM
THE HONOURABLE MR. JUSTICE N.SESHASAYEE
Crl.O.P.No. 1789 of 2020

K.S.Gopi

... Petitioner

Vs.

State Rep. By
The Sub Inspector of Police,
Baluchetty Chathiram Police Station,
Kancheepuram District.

... Respondent

PRAYER: Criminal Original petition has been filed under Section 482 of the Code of Criminal Procedure, to modify the condition imposed by the Principal District and Sessions Judge, Kancheepuram District at Chengalpattu, by its order dated 08.01.2020 made in Crl.M.P.No.5941 of 2019, as to execute a bond for a sum of Rs.1,00,000/- instead of the condition that the petitioner has to deposit a sum of Rs.1,00,000/- as cash deposit.

For Petitioner :Mr.R.Sasikumar

For Respondent :M/S. S.Thankira

Government Advocate (Crl. Side

O R D E R

This Criminal Original petition has been filed seeking modification of the condition imposed by the Principal District and Sessions Judge, Kancheepuram District at Chengalpattu, by its order dated 08.01.2020 made in Crl.M.P.No.5941 of 2019, as to execute a bond for a sum of Rs.1,00,000/- instead of the condition that the petitioner has to deposit a sum of Rs.1,00,000/- as cash deposit.

2.The case of the prosecution is that on 09.09.2019, the respondent police seized the the petitioner's vehicle, a Multi Axle Goods Vehicle, bearing No. TN 21 AL 8557(Tipper Lorry) alleging that the said vehicle was used for illegal transportation of sand without any valid license.

3. The petitioner thereafter moved a petition for return of property before the Principal District & Sessions Judge, Kancheepuram District at Chengalpattu in Crl.M.P.No.5941 of 2019 and the same was granted on 08.01.2020 and one of the condition stipulated was that "the petitioner is directed to deposit a sum of Rs.1,00,000/- 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."

4. The learned counsel for the petitioner submitted that the petitioner is unable to get his vehicle back due to the above condition to deposit a huge amount which is more than the value of the vehicle. The petitioner further submitted that the petitioner had earlier paid a sum of Rs.90,000/- as per the condition imposed by this Court in CrI.O.P.No.25854 of 2019 dated 24.09.2019. Hence he seeks to modify the condition imposed by the Court below.

5. In view of the submission made by the learned counsel for the petitioner, this Court modifies the condition imposed by the learned Principal District and Sessions Judge, Kancheepuram District, Chengalpattu, in CrI.M.P.No.5941 of 2019 dated 08.01.2020 to the effect that the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) 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 and the rest of the conditions shall remain intact.

6. Accordingly, this Criminal Original Petition is allowed.

-s/d-
Assistant Registrar(CSIII)

True Copy

Sub-Assistant Registrar

tsg

To

1.The Principal District and Sessions Judge,
Kancheepuram District at Chengalpattu.

2.The Sub Inspector of Police,
Baluchetty Chathiram Police Station,
Kancheepuram District.

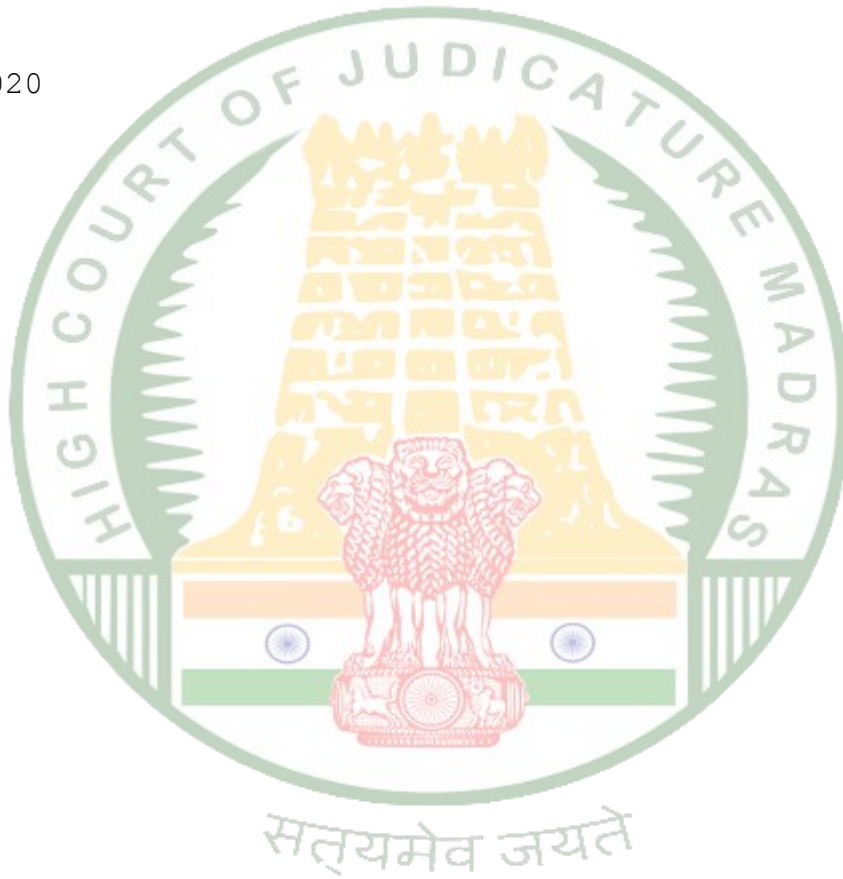
3.The Public Prosecutor,
Madras High Court.

4.The Tahsildar
Kancheepuram District

+1 cc to Mr.R.Sasikumar Advocate sr7023

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