

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2020

CORAM:

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

CRL.O.P.No.2363 of 2020

Murugan

... Petitioner

Vs.

The State rep by
rep by the Inspector of Police,
B-6 Magaral Police Station,
Kancheepuram District.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to modify the condition imposed in order passed by Hon'ble Principal Sessions Judge of Kancheepuram District at Chengalpattu in Crl.MP.No.7285/2019, for the application u/s r/w 457 Cr.P.C for the same Crime NO.245 of 2019 dated on 07.01.2020. On the receipt of the Tipper Lorry bearing registration No (TN-19-D-9095) before the Judicial Magistrate II , Kanchipuram and also on production of the receipt received from the Tahsildar Walajabad Taluk Office, petitioner is direct to execute a bond for Rs.1,00,000/- with two surities each for a like sum to satisfaction of the Judicial Magistrate II Kanchipuram and condition to produce the vehicle as and whenever required without any change or alteration.

For Petitioner : Mr.A.Raghuraman

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

O R D E R

This petition has been filed to modify the condition imposed in the order passed by the Learned Principal District and Sessions Judge of Kancheepuram District at Chengalpattu on 07.01.2020 in Crl.M.P.No.7285 of 2019 directing the petitioner to deposit a sum of Rs.1,00,000/- 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 Tipper lorry bearing Registration No.TN 19 D 9095 was seized by the respondent police for the alleged offence under Sections 379 and 430 of IPC r/w 21(1) of MM (D&R) Act and 3(1) of TNPPDL Act and produced before the Judicial Magistrate No.II, Kancheepuram. He further submitted that in order to get an interim custody of the said vehicle, the petitioner has filed Crl.M.P.No.7285 of 2019 on the file of the Principal District and Sessions Judge. He further submitted that the learned Principal District and Sessions Judge by the order dated 07.01.2020 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.1,00,000/- 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 lorry 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 and consideirng the same, the learned Principal 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.7285 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 Judicial Magistrate No.II, Kancheepurram in Crime No.245 of 2019 as security.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

Vv

To

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

2. The Judicial Magistrate No.II,
Kancheepuram.

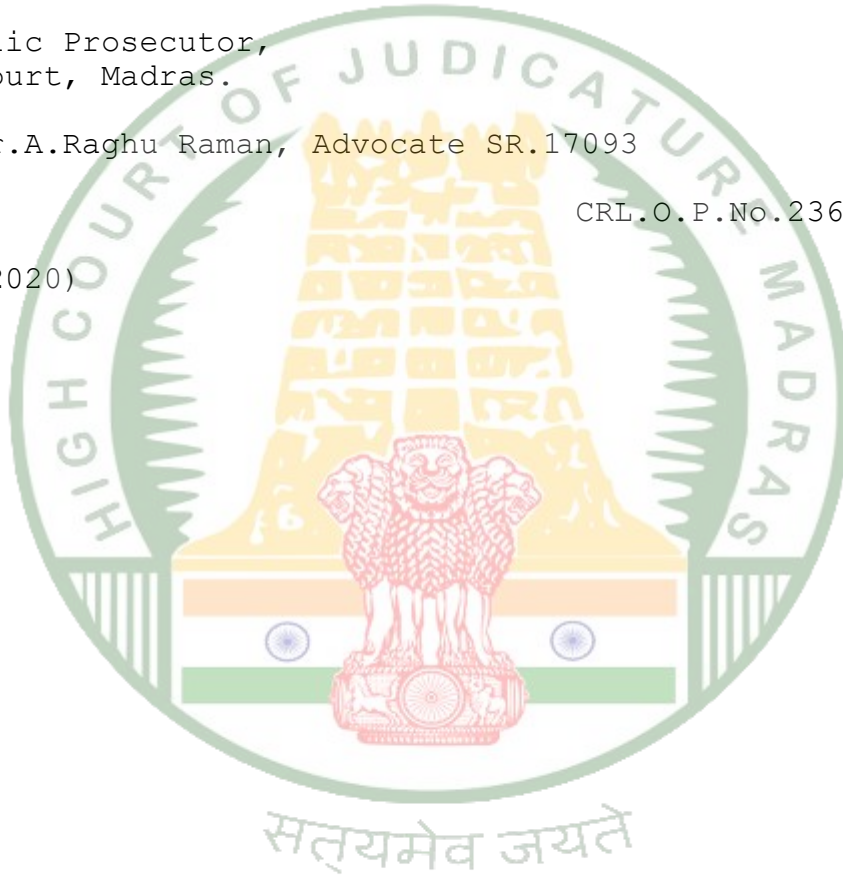
3. The Inspector of Police,
B-6 Magaral Police Station,
Kancheepuram District.

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.A.Raghu Raman, Advocate SR.17093

CRL.O.P.No.2363 of 2020

AD(CO)
CB(04/03/2020)



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