

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.8072 of 2020

Settu

... Petitioner

Vs.

1.The Assistant Director,
Mines and Mineral Department,
Namakkal,
Namakkal District

2.The Tahsildar,
Rasipuram,
Namakkal District

3.Revenue Inspector,
Mines and Mineral Department,
Namakkal,
Namakkal District

... Respondents

Prayer :- Criminal Original Petition filed under Section 482 Cr.P.C. praying to modify the condition imposed by the learned Principal Sessions Judge, Namakkal, order dated 27.01.2020 made in CMP.No.1883 of 2019 "(i) the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) before the Jurisdictional Tahsildar as non-refundable deposit. After receipt of the above said amount, the same will have to be deposited by the Tahsildar, to the credit of the District Mines and Minerals Foundation Trust as non-refundable deposit".

For Petitioner :Mr.W.Camyles Gandhi

For Respondents :Mr.M.Mohammed Riyaz,
Additional Public Prosecutor

O R D E R

This petition has been filed for modification of the condition imposed by the learned Principal Sessions Judge, Namakkal in Crl.M.P.No.1883 of 2019 dated 27.01.2020.

2. The learned counsel for the petitioner would submit that the petitioner filed petition in Crl.M.P.No.1883 of 2019 under Section 457 & 451 of Cr.P.C. regarding the return of vehicle i.e. Ashok Leyland Lorry bearing Reg.No.TN 37 V 9752, which was allowed with certain conditions, and one of the conditions was that the petitioner shall deposit a sum of Rs.1,00,000/- before the jurisdictional Tahsildar. He further submits that the petitioner is not financially sound and the said vehicle is the prime source for the livelihood of his family. As such he requested to modify the condition.

3. The learned Additional Public Prosecutor would submit that only after hearing the case in detail, the said condition was imposed on the petitioner by the trial court as such there is no need to modify the condition as sought for by the petitioner. Therefore, he sought for dismissal of this petition seeking modification.

4. Considering the facts and circumstances of the case, this Court is inclined to modify the condition No.(i) imposed by the Principal Sessions Judge, Namakkal. Accordingly, the condition No.(i) of the order dated 27.01.2020 passed in Crl.M.P.No.1883 of 2019 by the Principal Sessions Judge, Namakkal is modified to the effect that "(i) the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) before the Jurisdictional Tahsildar as non-refundable deposit. After receipt of the above said amount, the same will have to be deposited by the Tahsildar, to the credit of the District Mines and Minerals Foundation trust as non-refundable deposit", and the rest of the conditions shall remain intact.

5. This Criminal Original Petition is ordered accordingly.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Sessions Judge,
Namakkal

2. The Assistant Director,
Mines and Mineral Department,
Namakkal,
Namakkal District

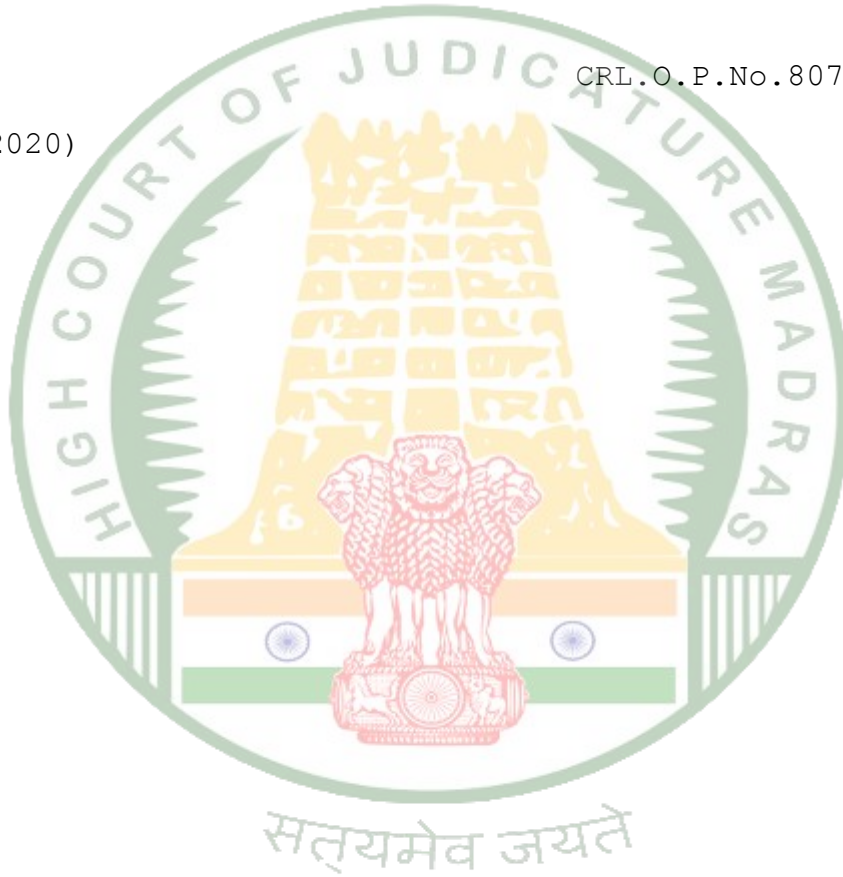
3.The Tahsildar,
Rasipuram,
Namakkal District

4.Revenue Inspector,
Mines and Mineral Department,
Namakkal,
Namakkal District

5.The Public Prosecutor,
High Court of Madras, Chennai.

AD(CO)
CB(21/09/2020)

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