

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.8356 of 2020

M.Vishal

... Petitioner / Petitioner Owner of the Vehicle

Vs

1. State Represented by
Inspector of Police,
Mohanur Police Station,
Namakkal District.

2. The Assistant Director,
Mines and Minerals Department,
Collector Office Complex,
Namakkal District.

3. The Tahsildar,
Mohanur,
Namakkal District.

... Respondents / Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to modify the condition imposed by the Learned Principal Sessions Judge, Namakkal, order dated 11.03.2020 made in C.M.P.No.2071 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, (ii) the petitioner shall execute a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties each for a like sum to the satisfaction of the learned Principal Sessions Judge, Namakkal. The petitioner and the sureties shall affix their photographs and give the copies of their Aadhaar Card”.

For Petitioner : Mr.Camyles Gandhi

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

ORDER

This petition has been filed to modify the condition imposed by the Learned Principal Sessions Judge, Namakkal, by order dated 11.03.2020 made in Crl.M.P.No.2071 of 2019 the court below imposed the following conditions:
“(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, (ii) the petitioner shall execute a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties each for a like sum to the satisfaction of the learned Principal Sessions Judge, Namakkal. The petitioner and the sureties shall affix their photographs and give the copies of their Aadhaar Card”.

2. The petitioner is aggrieved by the condition imposed by the Court below directing him to deposit a sum of Rs.1,00,000/- for returning the vehicle.

3. The learned counsel submitted that the vehicle in question is a Mahindra & Mahindra Genio SC (Bolero Pickup) bearing registration No. TN-66-E-0767 and the allegation is that one unit of sand was transported. The learned counsel submitted that the cash deposit condition imposed by the Court below is onerous and it requires interference.

3. Heard the Additional Public Prosecutor appearing on behalf of

the respondent police.

4. Taking into consideration the facts and circumstances of the case and also of the fact that the cash deposit insisted by the Court below is on the higher side, this Court is inclined to modify the order passed by the Court below and the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only).

5. The order passed by the Court below is modified to that extent and the other conditions imposed by the Court below shall stand as it is

This Criminal Original Petition is ordered accordingly.

12.06.2020

Speaking Order/Non-Speaking Order

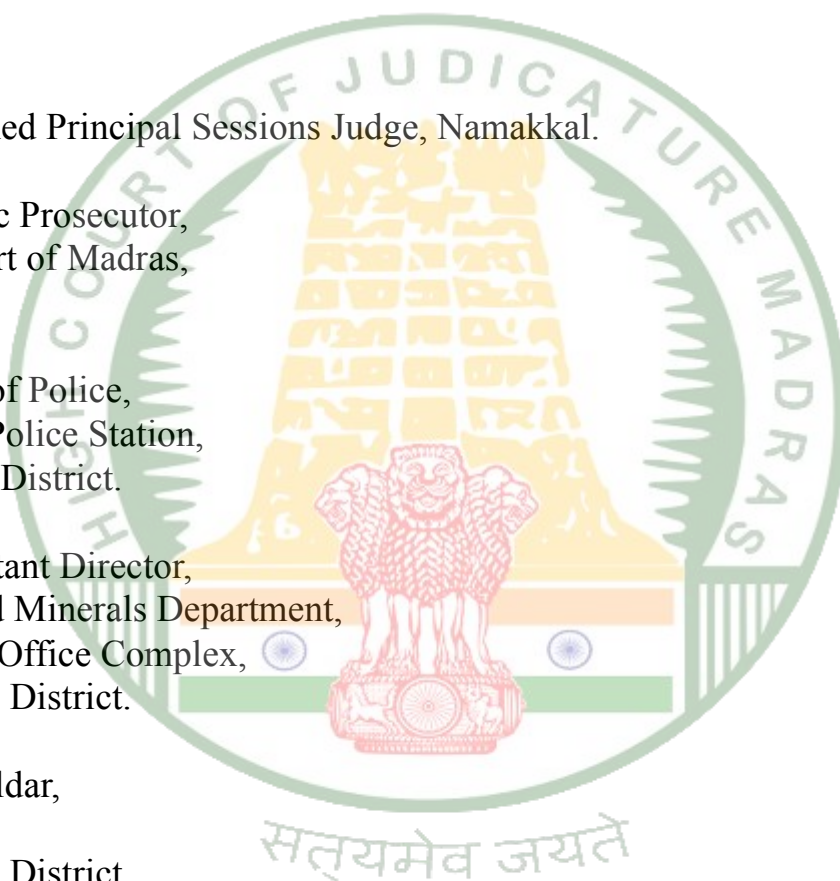
Index : Yes/No

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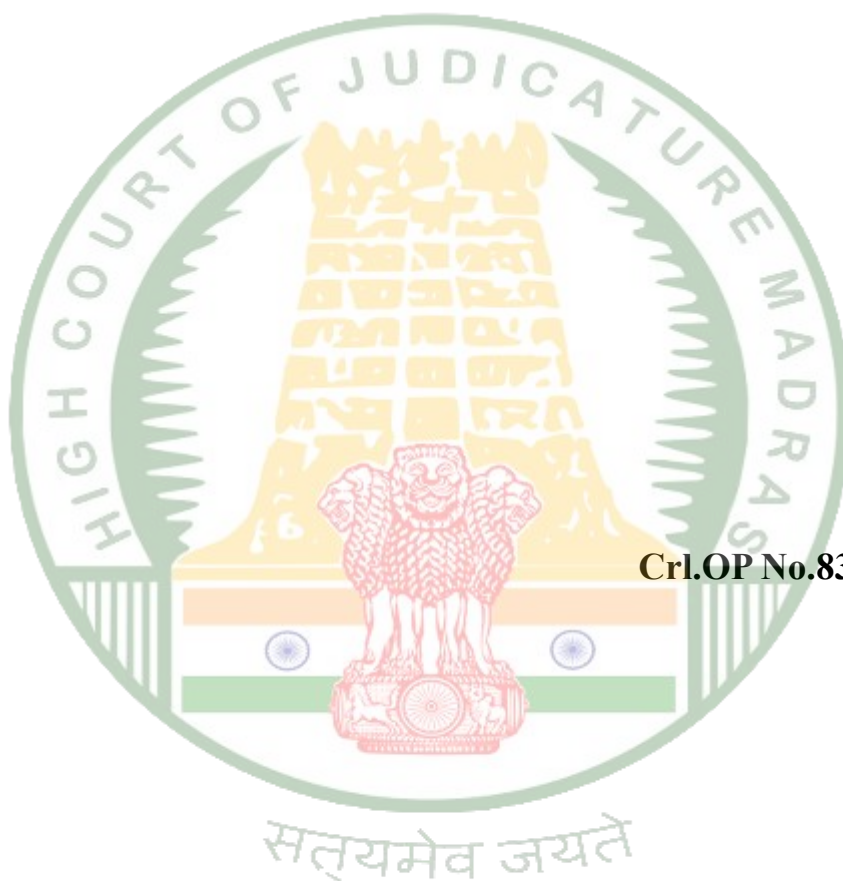
1. The Learned Principal Sessions Judge, Namakkal.
2. The Public Prosecutor,
High Court of Madras,
Madras.
3. Inspector of Police,
Mohanur Police Station,
Namakkal District.
4. The Assistant Director,
Mines and Minerals Department,
Collector Office Complex,
Namakkal District.
5. The Tahsildar,
Mohanur,
Namakkal District.



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N. ANAND VENKATESH., J.

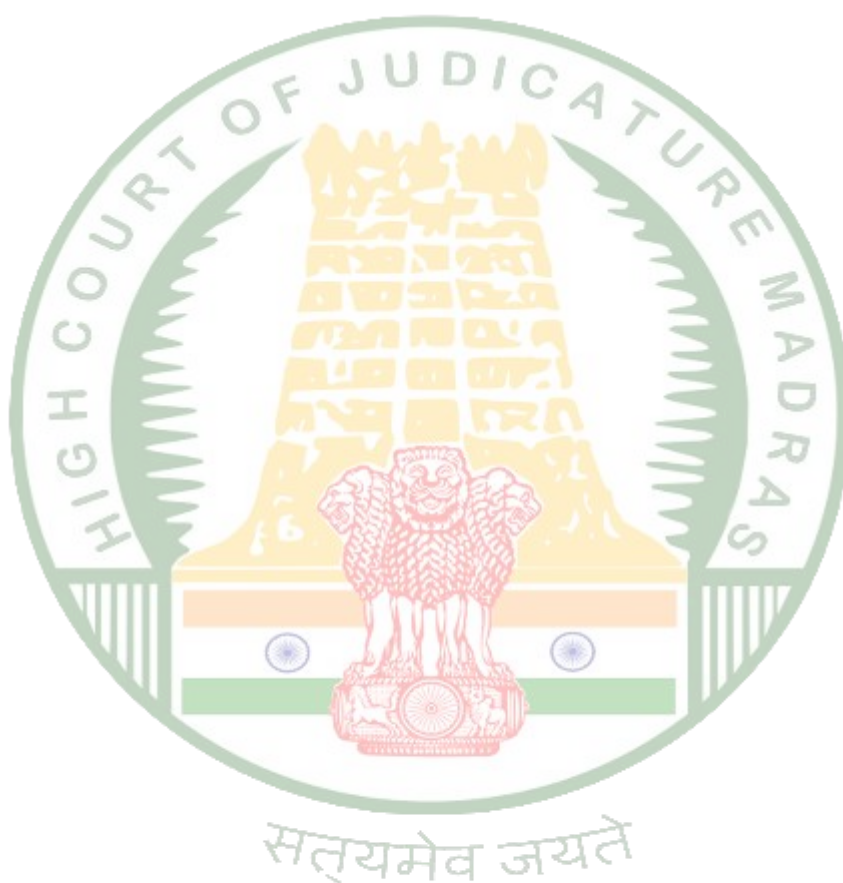
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Crl.OP No.8356 of 2020

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