

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P No.9879 of 2020

Vadivel,
S/o.Sellappan Gounder,
No.2/98, Mettur, Gandhi Nagar,
Kondhalam, Paramathi Velur Taluk,
Namakkal District.

...Petitioner

Vs.

The State rep. by
The Inspector of Police,
Velur Police Station,
Namakkal District.
(Crime No.655 of 2020)

....Respondent

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, in C.M.P.No.684 of 2020 dated 23.06.2020 "(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 Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to modify the condition imposed by the learned Principal Sessions Judge, Namakkal, in C.M.P.No.684 of 2020 dated 23.06.2020 "(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".

2. The learned counsel for the petitioner would submit that the vehicle of the petitioner is very damaged condition, but, the learned Judge, without considering the value of the capacity factor of the vehicle, had imposed the condition of Rs.1,00,000/- to be deposited. It is very difficult to deposit the huge amount to release the vehicle. He would further submit that due to financial duress in the present situation, the petitioner is not able to comply the condition and also arranging of the said amount. Hence, he prays to modify the condition imposed on the petitioner.

3. Heard Mr.M.Mohammed Riyaz, learned Additional Public Prosecutor for the respondent.

4. Considering the facts and circumstances of the case, the condition already imposed by the Court below is modified and that the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty thousand only) before the Jurisdictional Tahsildar as non-refundable deposit. The other conditions imposed by the Court below shall remain unaltered. This petition is ordered accordingly.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Tahsildar, Namakkal District.

2. The Principal Sessions Judge,
Namkkal,

3. The Inspector of Police,
Velur Police Station,
Namakkal District.

4. The Public Prosecutor,
High Court of Madras,
Madras.

Cr1.O.P No.9879 of 2020

KKV/05/08/2020