

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.10938 of 2020

Arulkumar

... Petitioner

Vs.

State Represented by
Inspector of Police,
Mohanur Police Station,
Namakkal District.
(Crime No.353 of 2019)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to modify the condition imposed by the learned Principal Sessions Judge, Namakkal, order dated 05.03.2020 made in C.M.P.No.248 of 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.S.Karthikeyan,
Additional Public Prosecutor

सत्यमेव जयते
O R D E R

This Criminal Original Petition has been filed to modify the condition imposed by the learned Principal Sessions Judge, Namakkal, order dated 05.03.2020 made in C.M.P.No.248 of 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 submitted that the petitioner's vehicle is in very damaged condition, but the

learned Judge without considering the condition value of the vehicle had imposed the erroneous condition of Rs.1,00,000/- to be deposited as non-refundable one. He further submitted that the said vehicle is the prime source for the livelihood of the petitioner and his family and due to the present situation of lock down, the petitioner is facing difficulty in mobilising funds, even for obtaining hand loan. Hence, the learned counsel for the petitioner has sought for modification of the said condition.

3. A perusal of the order passed by the Court below would show that the Court below has taken into consideration the judgement reported in 2003 SCC (Cri) 440 in Sunderbhai Ambala Desai -vs- Stated of Gujarat, apart from Section 21(4-A) of the Mines and Minerals Act. The Court below has taken notice of the latest decision of this Court in Crl.R.C. No. 1441 of 2019, Crl.R.C.Nos. 3, 29 and 30 of 2020, wherein, this Court has specifically stated that the condition to be imposed for release of any type of lorry should be Rs.1,00,000/-.

4. Hence, this Court finds no irregularity in the order passed by the Court below. Further in the matters of return of vehicle, invariably in all the cases as far as the lorries are concerned this Court is imposing Rs.1,00,000/- as a pre-condition to release such lorries. In view of the same, the grounds raised by the petitioner in this petition are baseless and this Criminal Original Petition is devoid of merits and hence the same is dismissed.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

Kv

To

1.The Principal Sessions Judge,
Namakkal.

2. The Inspector of Police,
Mohanur Police Station,
Namakkal District.

3. The Additional Public Prosecutor,
High Court, Madras.

Crl.O.P.No.10938 of 2020

KK(CO)

GN(07/10/2020)