

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2020

CORAM

THE HON'BLE Mr. JUSTICE **P.N. PRAKASH**

Crl.M.P.No.4564 of 2020
in Crl.R.C.No.215 of 2020

Nandhagopal

.. Petitioner

Vs.

State represented by
The Inspector of Police,
Vaitheeswaran Kovil Police Station,
Nagapattinam.
(Crime No.125 of 2019)

.. Respondent

Criminal Miscellaneous Petition filed under Section 482 Cr.P.C. to
modify the condition imposed on the petitioner by the order of this Court
dated 20.02.2020 passed in Crl.R.C.No.215 of 2020.

For Petitioner : Mr.M.Vinoth

For R1 : Mr.K.Madhan
Govt.Advocate
(Crl.Side)

ORDER

This case is taken up through video conferencing.

2. This criminal miscellaneous petition is filed to modify the condition imposed on the petitioner by the order of this Court dated 20.02.2020 passed in Crl.R.C.No.215 of 2020.

3. The petitioner's earth moving machine - JCB bearing Registration No.TN-38-BS-8581 was seized by the police in connection with Crime No.125 of 2019 on 22.07.2019 for the offences under Section 379 IPC and 21 (1) of the Mines and Mineral (Development and Regulation) Act, 1957. The petitioner filed Crl.M.P.No.3547 of 2019 under Section 451 Cr.P.C. before the District and Sessions Court, Nagapattinam District, for interim custody of the vehicle, which was dismissed on 26.11.2019.

4. Challenging the said order, the petitioner filed Crl.R.C.No.215 of 2020, in which, this Court, by order dated 20.02.2020, granted interim

custody of the said vehicle to the petitioner on certain conditions, one of which, is as follows:

“5.i. the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs 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;”

5. Contending that the petitioner is not economically sound, this petition has been filed for reducing the non-refundable deposit of Rs.2,00,000/-.

6. Heard Mr.M.Vinoth, learned counsel for the petitioner and Mr.K.Madhan, learned Government Advocate (Crl.Side) for the respondent/State.

7. The learned counsel for the petitioner submitted that the petitioner was the driver of the JCB vehicle, which he had taken up on lease and he has not been able to enjoy the fruits of the order passed by this Court

as he does not have the wherewithal to deposit the sum of Rs.2,00,000/- and prayed for reduction of the non-refundable deposit amount.

8. Taking into consideration the fact that the petitioner has not been able to take interim custody of the vehicle in spite of the order dated 20.02.2020, this Court is of the view that interests of justice will be served if the non-refundable deposit amount is reduced from Rs.2,00,000/- to Rs.75,000/-.

9. Accordingly, the condition stipulated in paragraph no.5.i. of the order dated 20.02.2020 is modified to the effect that the non-refundable deposit amount of Rs.2,00,000/- is reduced to Rs.75,000/- and the rest of the conditions will remain the same.

In the result, this criminal miscellaneous petition is allowed.

nsd

20.08.2020

To

1.The District and Sessions Judge,
Nagapattinam.

2.The Inspector of Police,
Vaitheeswaran Kovil Police Station,
Nagapattinam.

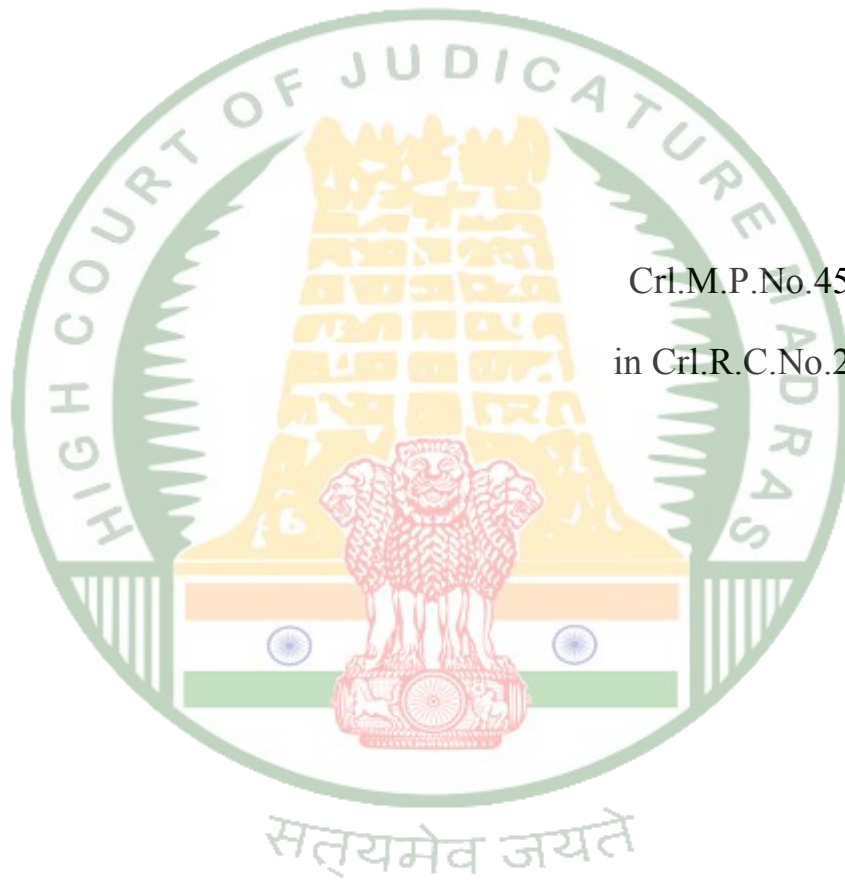
3. The Public Prosecutor,
Madras High Court,
Chennai – 600 104.



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P.N. PRAKASH,J.

nsd



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in Crl.R.C.No.215 of 2020

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