

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2020

CORAM

THE HONOURABLE MR. JUSTICE T.RAVINDRAN

Crl OP.No.19644 of 2020

P.Muthuramalingam

... Petitioner

Vs.

State of Tamil Nadu
Represented by Sub Inspector of Police
Baluchettychathiram Police Station,
Kancheepuram District.
(Crime No.503/2019)

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. to modify the condition imposed by the Learned Principal District & Sessions Judge, Kancheepuram at Chengelpet, on the petitioner in so far as it relates to condition No.2 in Crl.M.P.No.7498/2019 dated 07.03.2020 directing the petitioner to deposit a sum of Rs.1 lakh before the Tahsildar Kancheepuram and on deposit, the said amount has to be deposited by the Tahsildar Kancheepuram to the credit of the District Mines and Minerals Foundation Trust as Non-refundable deposit.

For Petitioner : Mr.K.S.Kumar

For Respondent : Ms. M. Prabhavathi
Additional Public Prosecutor

ORDER

The Respondent police has registered the case in Crime No.503 of 2019 under Sections 4(1), (1A), 36(A), 23C, 21(1) of Mines & Minerals (Development & Regulation) Act, 1957 and during the course of investigation, the vehicle belonging to the petitioner has been seized as the vehicle is found to be involved in the commission of the aforestated offences.

2.Claiming the interim custody of the vehicle, it is noted that the petitioner has preferred an application in Crl.M.P.No.7498 of 2019 on the file of the Principal District and Sessions Court, Kancheepuram District at Chengalpattu by praying that he should be handed over the interim custody of the

vehicle and ready to abide with any condition that may be imposed by the Court for the release of vehicle. The abovesaid petition preferred by the petitioner has been seriously contested by the respondent by putting forth that the vehicle has been used for the illegal transportation of the sand and if the vehicle is returned to the petitioner, the petitioner would utilize the same for committing the same offence and accordingly, prayed for the dismissal of the petition.

3.The Court below, on an appreciation of the materials placed on record and the rival contentions put forth by the respective parties, was pleased to release the interim custody of the vehicle to the petitioner on various conditions and one of the conditions imposed by the Court is that the petitioner should deposit Rs.1 lakh before the Tahsildar, Kancheepuram and on such deposit, the said amount has to be deposited by the Tahsildar, Kancheepuram, to the credit of the District Mines and Minerals Foundation Trust as Non refundable deposit. Assailing the abovesaid condition, in particular, the petitioner has preferred the present criminal original petition. According to the petitioner, the abovesaid condition imposed by the Court is onerous and hence, the same requires to be modified.

4.As abovenoted, when the petitioner sought for the interim custody of the vehicle by assuring he will abide with any condition that may be imposed by the Court for the safe custody of the vehicle and also for the production of vehicle as and when required by the Court, accordingly, it is noted that the Court below, after taking into consideration the various factors and also the serious objection put forth by the respondent police, resultantly, deem it fit to impose, inter alia, the abovesaid condition also. In such view of the matter, considering the facts involved in the case in entirety, in my considered opinion, the abovesaid condition imposed by the Court below cannot be held to be onerous as sought to be projected by the petitioner.

5.In the light of the abovesaid position, I do not find any merit in the criminal original petition. Resultantly, the criminal original petition is dismissed.

Sd/-

Assistant Registrar(CS VI)

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Sub Assistant Registrar

sms

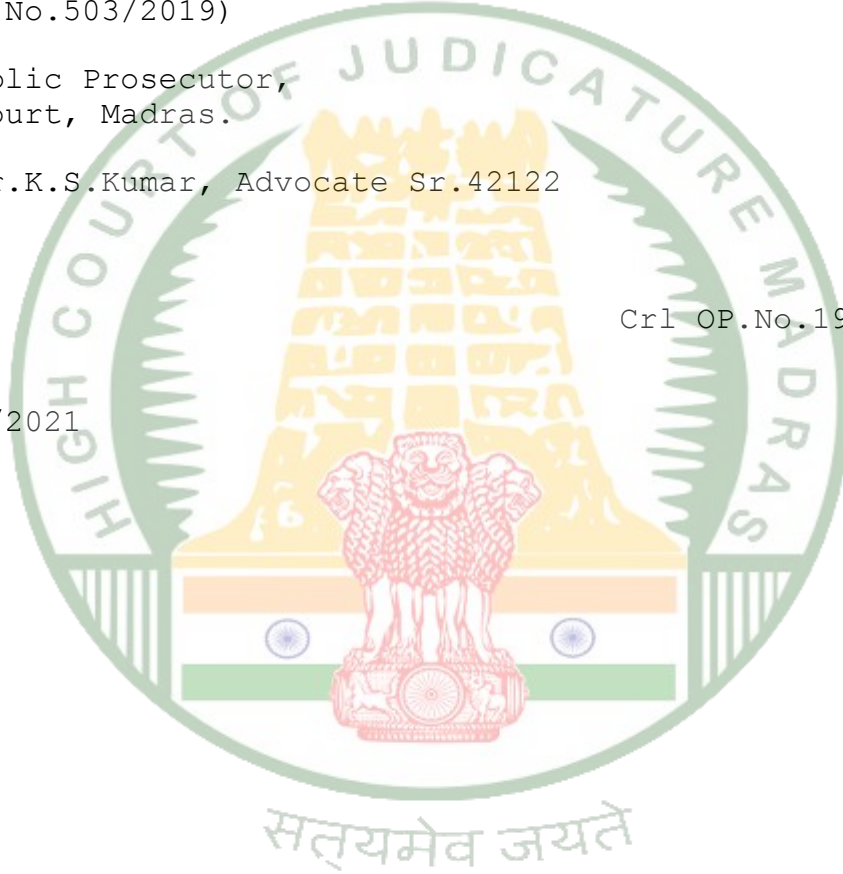
Copy to

1. The Principal District and Sessions Judge,
Kancheepuram at Chengalpet.
2. The Sub Inspector of Police,
State of Tamil Nadu
Baluchettychathiram Police Station,
Kancheepuram District.
(Crime No.503/2019)
3. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.K.S.Kumar, Advocate Sr.42122

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mp[co]
srg 19/01/2021



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