

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.12.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.19079 of 2020

S.Chidambaram

... Petitioner

Versus

The State represented by,
The Inspector of Police,
Traffic Investigation Wing,
Poonamallee.
(Crime No.387 of 2020)

... Respondent

Criminal Miscellaneous Petition is filed under Section 439(1)(b) of the Criminal Procedure Code, pleaded to modify the condition in the order dated 05.11.2020 in MP.No.2254 of 2020 in OLBP. No.925 of 2020 passed by the District and Sessions Court, Thiruvllaur by waiving the deposit amount of Rs.50,000/-.

For Petitioner : Mr.S.Jayakumar

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER
(The case has been heard through video conference)

This petition has been filed to modify the condition in the order dated 05.11.2020 in MP.No.2254 of 2020 in OLBP. No.925 of 2020 passed by the District and Sessions Court, Thiruvllaur by waiving the deposit amount of Rs.50,000/-.

2.The learned counsel for the petitioner would submit that the petitioner was arrested in Crime No.387 of 2020, registered before the respondent police for the offence under Section 279, 337,304 (ii) of IPC of the respondent/police, and the petitioner arrested and remanded at judicial custody on 29.05.2020. The petitioner filed a bail application before the learned District Sessions Judge, Thiruvallur in OLBP.No.925 of 2020, where granted bail to the petitioner on 29.06.2020 with conditions that released on bail with the condition to execute a bond a sum of Rs.10,000/- within a period of four weeks, and thereafter, the petitioner was directed to surrender before the Judicial Magistrate, Ambattur on 28.07.2020 and to execute a fresh bond for a sum of Rs.10,000/- with two sureties for a like sum each and by depositing a sum of Rs.50,000/- before the said Magistrate to the Credit of Crime No.925 of 2020 of the Traffic Investigation Wing, Poonamallee.

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3.The learned counsel would further submit that the petitioner was released on bail on the execution of personal bond for a sum of Rs.10,000/-. The petitioner is a driver, and thereby he was unable to deposit the amount of Rs.50,000/- within the time fixed by the District

Sessions Court, Thiruvallur by an order dated 29.06.2020 in OLBP.No.925 of 2020.

4. Thereafter, the petitioner filed a modification petition, seeking a modification for depositing a sum of Rs.20,000/- before the Principal District and Sessions Court, Thiruvallur on 02.11.2020, which was returned. Thereafter, the petitioner approached this Court in Crl.OP.No.13521 of 2020 to modify the condition passed by the Principal District and Sessions Court, Thiruvallur, and this Court dismissed the petition on 28.09.2020, by stating that there was some discrepancy in the lower Court order and petition and liberty was granted to a file fresh petition for modification before the concerned Court.

5. Thereafter, once again the petitioner approached the Principal District and Sessions Court, Thiruvallur in Crl.Mp.No.2254 of 2020 on 02.11.2020 and the learned Judge dismissed the same on 05.11.2020 by stating the learned Judge has no power to review on its own order as per the decisions of the Hon'ble High Court and the Hon'ble Supreme Court. He would further submit that the petitioner is only a driver of the vehicle and the vehicle was comprehensively insured and however, now the

petitioner is prepared to deposit a sum of Rs.40,000/- in two installments before the concerned Court, in respect of the compliance of the bail order dated 29.06.2020.

6.The learned Additional Public Prosecutor would submit that it is the case where the petitioner had driven the vehicle under the influence of alcohol and hit the defacto complainant and his wife, due to which the defacto complainant's wife died. He would further submit that the conditions imposed by the learned Principal District and Sessions Judge, Thiruvallur is not onerous.

7.Taking into consideration the terms and condition imposed on the petitioner and also the undertaking of the petitioner, this Court is inclined to modify the condition imposed in OLBP.No.925 of 2020, dated 29.06.2020 to the effect that the petitioner is directed to surrender before the Judicial Magistrate, Ambattur on or before 20.01.2021 and he shall deposit for a sum of Rs.20,000/- to the Credit of Crime No.387 of 2020 on the file of the respondent police and thereafter, within a period of one month, i.e., on 18th February, 2021 shall deposit the balance amount of Rs.20,000/-. Thereafter, the learned Judge is directed to release/return the

deposited amount of Rs.40,000/- to the defacto complainant/husband of the deceased viz., Arunkumar, Son of Manirathinam, on proper identification and after obtaining necessary acknowledgment.

8.With these observations and directions, this Criminal Original Petition is ordered accordingly.

18.12.2020

Internet:Yes

Index:Yes/No

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To

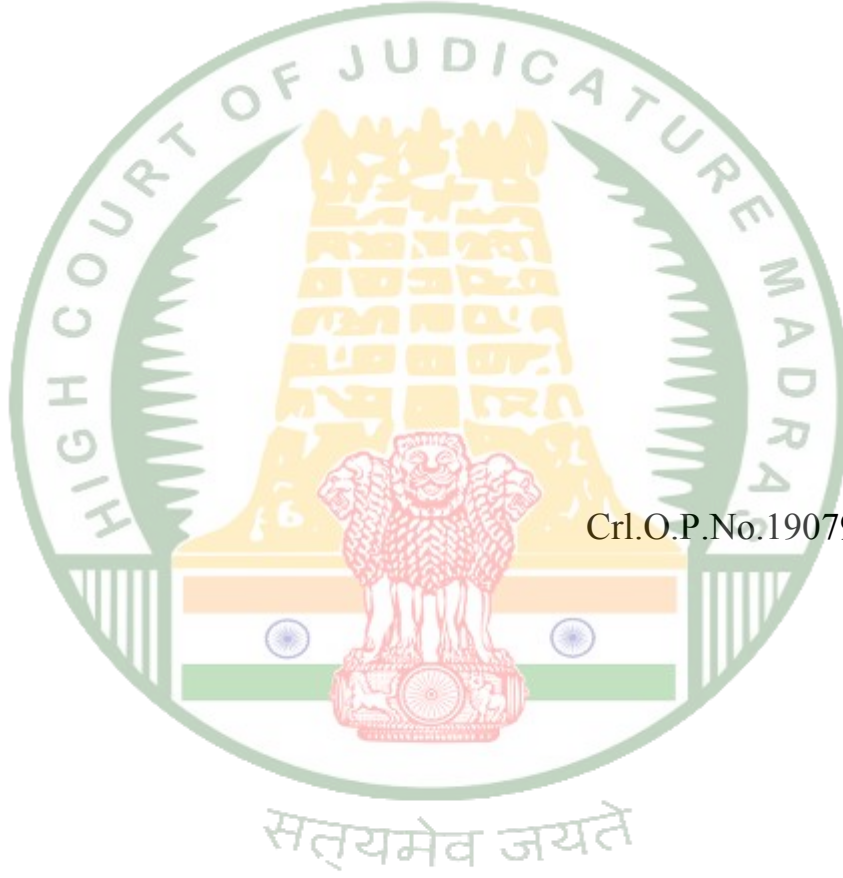
1.The Inspector of Police,
Traffic Investigation Wing,
Poonamallee.

2.The Public Prosecutor
High Court of Madras, Chennai.

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A.D.JAGADISH CHANDIRA, J.

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