



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 22.07.2020

PRESENT

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The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP (MD) . No.7534 of 2020

1. Murugesan
2. Mangaiyarkarasi ... Petitioners/Petitioners/A-1 & 2

Vs

State rep. by
The Inspector of Police,
Arimalam Police Station,
Pudukkottai District.
In Cr.No. 240 of 2020. ... Respondent/Respondent/Complainant

For Petitioners : Mr.G. Madhavan

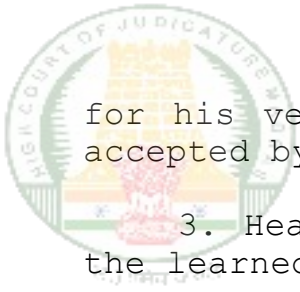
For Respondent : Mr.K. Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PRAYER :- This Petition is filed Under Sec.439(i)(b) of Cr.P.C, to modify the condition imposed in Crl.MP.No. 2538 of 2020, dated 02.07.2020 on the file of the Learned Principal and Sessions Judge, Pudukkottai so far as regards the deposit money sum of Rs.30,000/- each as a cash security before the learned Judicial Magistrate, Thirumayam, Pudukkottai district alone, in connection with the Cr. No. 240 of 2020 on the file of the respondent police by allowing this Criminal Original Petition.

ORDER

This Criminal Original Petition has been filed to modify the condition order, dated 02.07.2020 in Crl.MP.No. 2538 of 2020 passed by the learned Principal and Sessions Judge, Pudukkottai.

2. The learned counsel appearing for the petitioner would submit that by order, dated 02.07.2020 in Crl.M.P. No. 2538 of 2020 passed by the learned Principal District and Sessions Judge, Pudukkottai, directed the petitioners to deposit a sum of Rs.30,000/-each (totally Rs.60,000/-) as a cash security before the learned Judicial Magistrate, Thirumayam, Pudukkottai District in Crime No. 240 of 2020 on the file of the respondent police within fifteen days from the order, dated 02.07.2020. He would further submit that at the time of seizing Ashok Leyland Tipper Lorry bearing registration No.TN-63-V-7692 the first petitioner has produced the copy of the permit in permit No.43410 dated 18.06.2020



for his vehicle to carry out the river sand and the same was not accepted by the respondent police.

3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side).

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4. It is seen from the records that the petitioners are having proper permit which was obtained from the concerned Officer and the document has also been produced before this Court. Normally, this Court imposes cost of Rs.15,000/-for carrying one unit of river sand. The petitioners have transported two units of river sand. Hence, this Court is inclined to modify the cash security as deposit.

5. Considering the facts and circumstances and also considering the fact that the petitioners are having valid permit for carrying river sand, this Criminal Original Petition is liable to be allowed.

5. In view of the above, the Criminal Original Petition is allowed and the petitioners shall deposit a sum of Rs.15,000/-each, (totally Rs.30,000/-) as cash security before the learned Judicial Magistrate, Thirumayam, Pudukkottai District in Crime No. 240 of 2020 on the file of the respondent police, within a period of Two weeks, from today.

sd/-
22/07/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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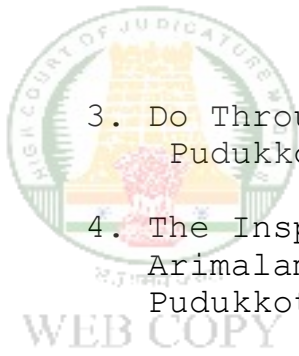
Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The principal District and Sessions Court,
Pudukkottai.

2. The Judicial Magistrate Court, Thirumayam.

<https://hcservices.ecourts.gov.in/hcservices/>



3. Do Through The Chief Judicial Magistrate,
Pudukkottai.
4. The Inspector of Police,
Arimalam Police Station,
Pudukkottai District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP (MD) No.7534 of 2020
Date : 22.07.2020

TR/RSK/SAR-III (27.07.2020) 3P 6C