

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2021

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THE HONOURABLE **MR.JUSTICE V.BHARATHIDASAN**

Crl.O.P.No.314 of 2021

Murugesan
S/o.Velusamy

.. Petitioner

Vs.

The State Represented by
Inspector of Police,
Mohanur Police Station
Namakkal District
(Crime No.291 of 2020)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Sections 482 of the Code of Criminal Procedure, to modify the condition imposed by the learned Principal Sessions Judge, Namakkal, vide order dated 03.09.2020 made in C.M.P No.859 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 District Mines and Minerals Foundation Trust as non-refundable deposit".

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.S.Karthikeyan

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for modification of the condition imposed by the Court below.

2. The petitioner is the owner of the vehicle, namely Mahendra and Mahendra Bolero Maxi Truck bearing Registration No.TN-42 T 1360 and it has been detained while transporting sand illegally. Subsequently, the petitioner filed an application seeking release of the vehicle under Section 451 of Cr.P.C and the Court below allowed the said application with condition to deposit a sum of Rs.1,00,000/- before the jurisdictional Tahsildar as non-refundable deposit. To modify the aforesaid condition, the present petition has been filed.

3. The learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle and without his knowledge the vehicle

was used for transporting sand illegally. He would further submit that the petitioner is not in a position to deposit the amount of Rs.1,00,000/- ordered by the Court below and hence, he seeks for modification of the amount.

4. The learned Additional Public Prosecutor opposed this petition stating that the petitioner had illegally transported river sand by using his vehicle and to prevent the illegal theft of sand, the Court below had imposed such a condition and hence, the condition imposed by the Court below need not be modified.

5. Considered the fact that even the order has been passed on 03.09.2020, the petitioner was not in a position to deposit the amount and hence, he has come forward with the present petition.

6. Considering the above facts and circumstances of the case, this Court is inclined to modify the condition imposed by the Court below and the petitioner is directed to deposit Rs.50,000/- (Rupees fifty thousand only) instead of Rs.1,00,000/- (Rupees one lakh only) before the

jurisdictional Tahsildar as non-refundable deposit. The other condition imposed by the Court below shall stand unaltered.

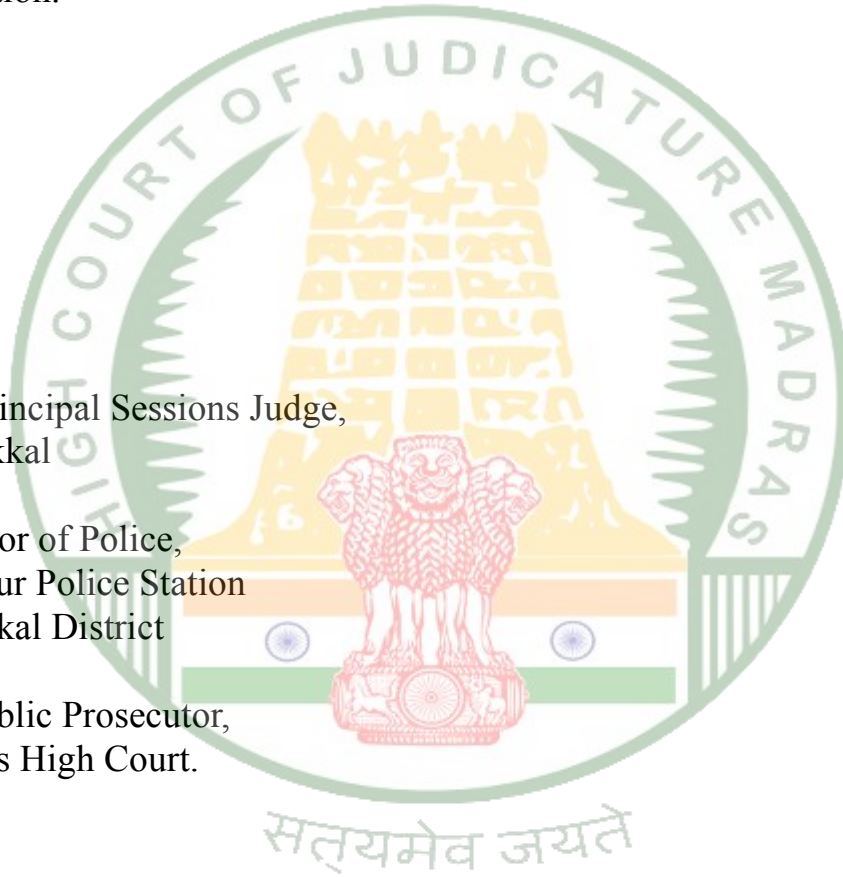
7. This Criminal Original Petition is disposed of, with the above modification.

19.01.2021

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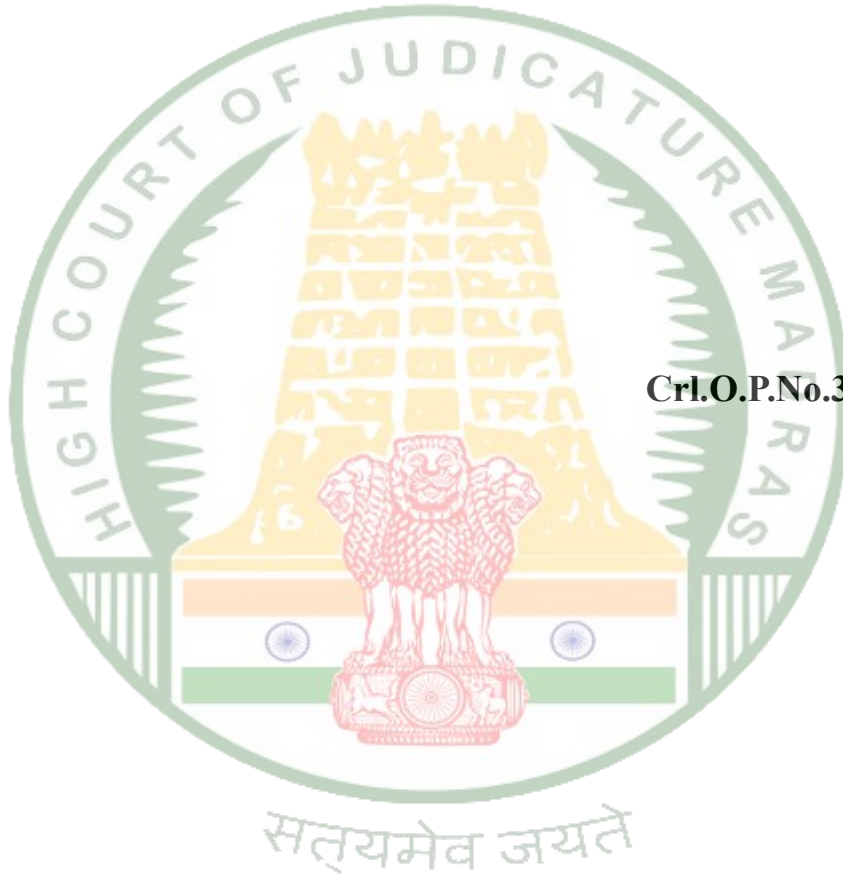
1. The Principal Sessions Judge,
Namakkal
2. Inspector of Police,
Mohanur Police Station
Namakkal District
3. The Public Prosecutor,
Madras High Court.



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V.BHARATHIDASAN,J

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