

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2020

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THE HONOURABLE **MR.JUSTICE P.VELMURUGAN**

**Crl.O.P.No.1085 of 2021**

R.Elumalai

.. Petitioner

Vs.

The State rep by  
The Inspector of Police,  
Chengalpattu Taluk Station,  
Chengalpattu District.  
Cr.No.40 of 2020

.. Respondent

**PRAYER:** Criminal Original petitions have been filed under Sections 439 (1) (b) of the Code of Criminal Procedure, to relax the condition No.2, directing the petitioner to deposit a sum of Rs.1,00,000/- before the Tahsildar, Chengalpattu and on deposit, the said amount has to be deposited by the Tahsildar, Chengalpattu to the credit of the District Mines and Minerals Foundation Trust as Non Refundable Deposit as imposed in the order dated 19.11.2020 in Crl.M.P.No.1802 of 2020 by the learned Principal District and Sessions Judge Kancheepuram District at Chengalpattu.

For Petitioner : Mr.G.Magesh Kumar

For Respondent :Mr.S.Karthikyeen  
Additional Public Prosecutor

**ORDER**

This Criminal Original Petition has been filed seeking for modification of the condition imposed by the learned Principal District and Sessions Judge Kancheepuram District at Chengalpattu dated 19.11.2020 in Crl.M.P.No.1802 of 2020.

2. The case was registered against the petitioner for the offences 430, 379 r/w under Section 21(1) of Miners and Minerals Act. After seizure of the vehicle, the petitioner has filed an application before the trial Court for interim custody of the vehicle. The trial Court while allowing the said application has imposed the following condition:

***“ The petitioner is directed to deposit a sum of Rs.1,00,000/- before the Tahsildar, Chengalpattu, and on deposit, the said amount has to be deposited by the Tahsildar, Chengalpattu, to the credit of the District Mines and Minerals Foundation Trust as Non refundable deposit. ”.***

Hence the present petition has been filed seeking for modification of the condition imposed by the trial Court.

3.The learned counsel for the petitioner submitted that the condition imposed by the Court below is onerous.

4. The learned Additional Public Prosecutor submitted that the Court below had imposed the condition after taking into consideration the facts and circumstances of the case and there is no ground to interfere with the same.

5. Considering the nature of the offence and the quantum of sand involved in this case, this Court is not inclined to relax the condition. If the petitioner wants to take the vehicle, he should comply the condition imposed by the learned Principal District and Sessions Judge, Kancheepuram District.

6. Accordingly, this Criminal Original Petition shall stand dismissed.

**29.01.2021**

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**P.VELMURUGAN,J**  
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To

- 1.The Tahsildar, Chengalpattu
2. The Principal District and Sessions Judge,  
Kancheepuram District at Chengalpattu.
- 3.The Public Prosecutor,  
Madras High Court.
- 4.The Inspector of Police,  
Chengalpattu Taluk Station,  
Chengalpattu District.



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