

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2020

CORAM

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

Crl.O.P.No.1059 of 2021

Kamalakannan
S/o.Elumalai

.. Petitioner

Vs.

The State Represented by
Inspector of Police,
Maraimalainagar Station,
Chengalpattu District.

.. 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 06.11.2020 in Crl.M.P.No.2824 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 06.11.2020 in Crl.M.P.No.2824 of 2020.

2. The case was registered against the petitioner for the offence 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 Jurisdictional Tahsildar concerned and on deposit, the said amount has to be deposited by the jurisdictional Tahsildar concerned 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.

uma

29.01.2021

P.VELMURUGAN,J

uma

To

- 1.The Inspector of Police,
Maraimalainagar Station,
Chengalpattu District.
- 2.The learned Principal District and Sessions Judge,
Kancheepuram District.
- 3.The Public Prosecutor,
Madras High Court.

Crl.O.P.No.1059 of 2021

WEB COPY

29.01.2021