

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.OP.No.2479 of 2021

Thirumalai ... Petitioner/Owner of the Vehicle
Vs.

- 1.State Rep. by its
Inspector of Police
Anaicuttu Police Station
Chengalpattu District
(Crime No.606/2020)
- 2.The Assistant Director
Mines and Minerals Department
Kancheepuram
Kancheepuram District.
- 3.The Tahsildar
Cheyyur Taluk
Chengalpattu District. ... Respondents

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to modify the condition imposed by the learned Principal Sessions Judge, Kancheepuram District at Chengalpattu, order dated 22.01.2021 made in Crl.M.P.No.3654 of 2020 "5(2) The petitioner is directed to remit a non-refundable deposit of Rs.1,00,000/- to the Tahsildar, Cheyyur by way of demand draft payable to the credit of the District Mines and Minerals Foundation Trust 3.On production of copy of Demand Draft and the Receipt issued by the Tahsildar, Cheyyur for receipt of non-refundable deposit, the petitioner is directed to execute a bond for a sum of Rs.1,00,000/- with two sureties each for a like sum to the satisfaction of District Munsif cum Judicial Magistrate, Cheyyur, and the petitioner is entitled to receive the vehicle in interim custody on condition to produce the vehicle as and whenever required without any change or alteration' and pass such further or other orders as this Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner : Mr.G.Punniakoti

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

O R D E R

This petition has been filed seeking modification of the condition imposed by the court below while allowing the application in Crl.M.P.No.3654 of 2020, filed by the petitioner for return of vehicle. The Court below while allowing the application under Section 451 r/w 457 Cr.P.C., seeking for return of vehicle, by order dated 22.01.2021, had imposed certain conditions and one such condition was that the petitioner to remit a non-refundable deposit of Rs.1,00,000/- to the Tahsildar, Cheyyur by way of demand draft payable to the credit of the District Mines and Minerals Foundation Trust.

2.The learned counsel for the petitioner submitted that the petitioner was not able to mobilize funds due to the pandemic situation and seeks for modification of the condition.

3.Taking into consideration the facts and circumstances of the case, the condition No.5(2) shall stand modified as follows:

"The petitioner is directed to remit a non-refundable deposit of Rs.50,000/- to the Tahsildar, Cheyyur, by way of demand draft payable to the credit of the District Mines and Minerals Foundation Trust."

4.The other conditions as imposed by the Court below while passing orders in Crl.M.P.No.3654 of 2020, will stand as it is.

5.Accordingly, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

ssr
To

1. The Principal Sessions Judge,
Kancheepuram District at Chengalpattu

2.The District Munsif-Cum Judicial Magistrate,Cheyyar.

3.The Inspector of Police
Anaicuttu Police Station
Chengalpattu District.

4.The Assistant Director
Mines and Minerals Department
Kancheepuram
Kancheepuram District.

5.The Tahsildar
Cheyyur Taluk
Chengalpattu District.

6. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.G.Punniyakotti , Advocate SR.No. 8300

Cr1.OP.No.2479 of 2021

A.SK(15.02.2021) .



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