

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.6391 of 2021

John @ Naveen Kumar

... Petitioner

Versus

State By

Inspector of Police,  
Ranipet Police Station,  
Ranipet District.

Crime No.248 of 2018.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to modify the condition imposed in Crl.M.P.No.390 of 2021 order dated 18.02.2021 passed by the Principal Sessions Judge, Vellore directing the petitioner to deposit a sum of Rs.50,000/- before the concerned Magistrate Court within a period of one month for release of petitioner's vehicle Tata Ace bearing Registration No.TN-23: BE -3694 seized in Crime No.248/2018 (CP No.223 of 2018) and hand over the same to the petitioner within the stipulated time frame to be fixed by this Court.

For Petitioner : Mr.S.P.Arthi

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

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O R D E R

This Criminal Original Petition has been filed for seeking to modify the condition in Crl.M.P.No.390 of 2021 order dated 18.02.2021 passed by the Principal Sessions Judge, Vellore directing the petitioner to deposit a sum of Rs.50,000/- before the concerned Magistrate Court within a period of one month for release of petitioner's vehicle Tata Ace bearing Registration No.TN-23: BE -3694 seized in Crime No.248/2018 (CP No.223 of 2018) and hand over the same to the petitioner within the stipulated time frame to be fixed by this Court.

2.The learned counsel for the petitioner submitted that the petitioner candidly admits the fact the he had committed the offence of transporting sand without obtaining valid licence/permit, but was indulged in such offence without mala fide intention. The respondent police registered a case against the petitioner and the Tata Ace bearing Registration No.TN-23-BE-3694 was seized and he further submitted that the

petitioner undertakes not to indulge in such acts in nearing future. It is also brought to the notice of this Court that the petitioner is facing great hardship without his vehicle as it was his main source of income. The learned counsel further submitted that he is ready and willing to comply with the conditions imposed by the court below except the condition No.3, i.e. directing to deposit a sum of Rs.50,000/- before the concerned Magistrate Court, within a period of one month, owing to his poor family background. Hence, he prayed to modify the condition No.3 imposed by the court below.

3.The learned Additional Public Prosecutor submitted that the FIR has been registered against the petitioner for offence under Sections 379, 430 IPC in Crime No.248 of 2018. The learned Additional Public Prosecutor further submitted that even the Principal Sessions Court, Vellore, while granting the release of vehicle, imposed such a condition. Hence, the Court below after taking into consideration, the environmental impact due to Sand mining, is imposing such stringent condition, in order to ensure that such offence are not committed in future.

4.On considering the submissions made on either side, it is seen that the petitioner has transported the sand. It is also seen that the petitioner is the only bread winner of the family and he derived income from the above said Tata Ace bearing Registration No.TN-23-BE-3694 and he undertakes that he has not committed any offence as similar in nature.

5.Taking into consideration, the facts and circumstances of the case, the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of the District Munsif cum Judicial Magistrate Court, Ranipet, instead of Rs.50,000/-. The condition No.3 imposed by the Court below is modified. The other conditions imposed by the Court below shall stand as it is. The deposit shall be made within a period of two weeks from the date of receipt of a copy of this order. The Court below is also directed to return the original R.C. Book to the petitioner after receiving the self attested Photostat copy of the R.C. Book.

6.This Criminal Original Petition is disposed of by modifying the order of the Court below to the extent indicated herein above.

Sd/-  
Assistant Registrar

/TRUE COPY/

Sub-Assistant Registrar

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To

1.The Principal Sessions Judge,  
Vellore.

2.The District Munsif cum Judicial Magistrate,  
Ranipet.

3.The Inspector of Police,  
Ranipet Police Station,  
Ranipet District.  
Crime No.248 of 2018.

4.The Public Prosecutor,  
High Court, Madras.

+1cc to M/s.S.P.ARTHI, ADVOCATE, SR.NO. 22250

CRL.O.P.No.6391 of 2021

PL(CO)  
KKN 26.04.2021



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