

Crl.O.P.No.13470 of 2021

M.NIRMAL KUMAR.,J

The petitioner, who is the owner of the Tipper Lorry bearing Registration No.TN 60 S 0155, which is a case property in Crime No.2065 of 2020 in C.P.No.97 of 2020, has filed the petition seeking modification of the order dated 05.11.2020 passed in Crl.M.P.No.1446 of 2020 by the Principal Sessions Judge, Thiruvarur.

2.The contention of the learned counsel for the petitioner is that the petitioner is not a named accused in crime number 2065 of 2020. The petitioner is only the owner of the Tipper Lorry. The petitioner's driver had absconded in this case. The vehicle has been seized by the respondent police and produced before the Judicial Magistrate No.I, Mannargudi in C.P.No.97 of 2020. The vehicle is now kept in the open space exposed to vagaries of weather and the vehicle is kept idle. The value of the vehicle is diminished and continuing to keep the vehicle in open air would make the vehicle unusable. Further, from 21.05.2020 almost more than a year, the vehicle is kept in the open air. As only source of income for the petitioner is hiring of the vehicle, the petitioner is unable to eke his livelihood.

3.The learned Government Advocate for the respondent submits that in this case, the driver of the vehicle has absconded. The vehicle has been handed over by the trial Court to the petitioner with condition but the condition imposed on the petitioner has not been complied with and opposed the modification petition.

4.Considering the submission of the learned counsel for the petitioner, the petitioner's livelihood is denied and further, the period, by which, the amount of Rs.1,00,000/- to be deposited i.e. on 23.11.2020, now lapsed. In view of the same, 15 days time is granted to the petitioner to deposit a sum of Rs.1,00,000/- from the date of the receipt of the copy of this order as regards condition No.1. As regards condition No.3, the petitioner is directed to produce the original Registration Certificate, along with photostat copy submit the self attested photostat copy to the Court and take back the original. He shall file an affidavit that the original is be retained by the petitioner and the vehicle would be maintained as it is. No alteration and alienation would be made to the vehicle and produce the vehicle as and when directed to do so. All the other conditions remain unaltered.

sms

09.08.2021

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