

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.05.2021

CORAM :

THE HON'BLE Mr.JUSTICE G.R.SWAMINATHAN
Crl.O.P.No.8586 of 2021

Thiruneelakandan

... Petitioner

Vs.

The State Rep by
The Inspector of Police,
Mohanur Police Station,
Namakkal
(Crime No.271 of 2019)

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code to modify the condition imposed in serial no.(i) with regard to deposit a sum of Rs.1,00,000/- in Crl.M.P.No.2069 of 2019 on the file of the Principal Sessions Judge, Namakkal, dated 27.01.2020.

For Petitioner : Mr.B.Vetrivel

For Respondent : Mr.L.Charles Premkumar
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

Heard the learned counsel on either side.

2. The petitioner's vehicle was seized in connection with Crime No.271 of 2019 registered on the file of the respondent for the offence under Section 379 of IPC r/w 21(1) of Mines and Minerals (Development and Regulation) Act, 1957.

3. The petitioner applied for interim custody of the vehicle. The said petition was allowed on 27.01.2020. However, the petitioner was directed to deposit a sum of Rs.1,00,000/-. The petitioner has not able to mobilize the said amount. Therefore, this Criminal Original Petition has been filed seeking modification of the said condition.

4. The fact is that the petitioner's vehicle could not be released and remains in detention for almost two years. Therefore, the petitioner had been put to sufficient hardship.

5. Taking into account the facts and circumstances of the case, I am inclined to delete the condition regarding deposit alone. Of course the respondent can initiate proceedings for confiscation of the vehicle and the petitioner gives an undertaking to co-operate in the said proceedings.

6.The Hon'ble Apex Court in more than one case has held that there is no point in keeping the vehicle in Court custody.

The value of the vehicle will only get lost. In the case on hand, the Court below had already allowed interim custody to the petitioner. But the petitioner has not been able to avail the fruits of the said order because of his inability to mobilize a sum of Rs.1,00,000/-. The petitioner has not applied for modification immediately. The modification petition has been filed after more than one and half years.

7.I am satisfied that the petitioner has some liquidity crunch. Hence the condition to deposit a sum of Rs.1,00,000/- alone is modified and all other conditions in the order of the Court below will remain intact. The impugned condition is alone set aside. The Criminal Original Petition is allowed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

smv/kkn
To

1.The Principal Sessions Judge,
Namakkal.

2.The Inspector of Police,
Mohanur Police Station,
Namakkal.

3.The Public Prosecutor,
High Court, Madras

+1 cc to M/s.B.Vetrivel, SR.NO.27180

SSN(CO0
NS(12/05/2021)

Cr1.O.P.No.8586 of 2021

सत्यमेव जयते

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