

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 05.05.2021
CORAM
THE HONOURABLE Mr.JUSTICE G.R.SWAMINATHAN
Crl.O.P.No.8585 of 2021

Sudha

.. Petitioner

Vs.

State rep. by
Inspector of Police,
Mohanur Police Sttion,
Namakkal.
(Crime No.271 of 2019)

.. Respondent

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 of a sum of Rs.1,00,000/- in Crl.M.P.No.2070 of 2019 on the file of the Principal Sessions Judge, Namakkal, dated 27.01.2020.

For Petitioner : Mr.B.Vetrivel
For Respondent : Mr.P.Charles Premkumar
Government Advocate

ORDER

Heard the learned counsel on either side.

2. The petitioner is figuring as A1 in Crime No.271 of 2019, registered on the file of the respondent police, for the offences under Sections 379 of IPC, r/w.21(1) of Mines and Minerals (Development and Regulation) Act, 1957.

3. The petitioner's vehicle was seized in connection with the illegal transportation of sand. The petitioner applied for interim custody of the said vehicle. The Miscellaneous Petition was allowed as early as on 27.01.2020, on condition that the petitioner shall deposit a sum of Rs.1,00,000/- as non-refundable deposit. Seeking modification of the said condition, this criminal original petition has been filed.

4.The learned counsel appearing for the petitioner states that it is open to the respondent to initiate confiscation proceedings and that the petitioner also shall cooperate with the same. The counsel wants this Court to infer from the fact that even though the order was passed as early as on 27.01.2020, the petitioner was not able to mobilise the funds.

5. Taking note of the fact that the case itself was registered in the year 2019, I am of the view that the

petitioner would have been put to sufficient loss by the detention of the vehicle for such a long period. Taking note of this special circumstance, the impugned condition to deposit a sum of Rs.1,00,000/- is deleted and other conditions will remain intact.

6.This Criminal Original Petition is allowed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mtl/sk

To

1.The Principal Sessions Judge,
Namakkal.

2.Inspector of Police,
Mohanur Police Sttion,
Namakkal.

3.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.B.Vetrivel, Advocate, SR.No.27179

Cr1.O.P.No.8585 of 2021

EV(CO)
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