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IN THE HIGH COURT OF JUDICATURE AT MADRAS

THURSDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND TWENTY ONE

PRESENT:

THE HON`BLE MR JUSTICE M. NIRMAL KUMAR

Crl.O.P.No.15135 OF 2021

&

Crl.O.P.No.15222 OF 2021

1.Rajiv Gandhi ...Petitioner / Owner of the Vehicle
in Crl.O.P.No.15135 of 2021

2.S.Vijayakumar ...Petitioner / Owner of the Vehicle
in Crl.O.P.No.15222 of 2021

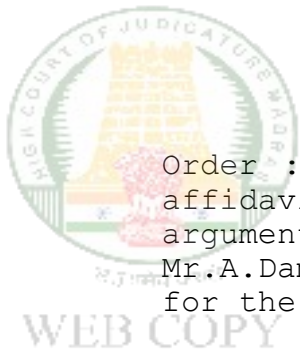
vs

1.Inspector of Police,
Sadras Police Station,
Kancheepuram. ...1st Respondent / Complainant in
both cases

2.The Authorized Signatory,
Sruram Transport Finance Company Ltd.,
No.7-6-21, A/627, Upstairs Sakthi Tiles,
Opp. RTO Office, Madurai, Batlagund,
Dindugal-624 202. ...2nd Respondent / Financier in
in Crl.O.P.NO.15135 of 2021

3.The Authorised Signatory,
Yes Bank No.3, Dhass Indian Tower,
2nd Line Road, Parrys, Chennai-1
...2nd Respondent / Financier in
in Crl.O.P.NO.15222 of 2021

Prayer in Crl.O.P.No.15135 of 2021 & 15222 of 2021 : Petitions praying the Criminal Original Petition filed to modify the condition imposed by the Principal District and Sessions Judge, Kancheepuram, District at Chengalpattu, by its order dated 05.08.2021 made in Crl.M.P.No.570 & 571 of 2021, as to execute a bond for a sum of Rs.1,00,000/- instead of the condition that the petitioner has to deposit a sum of Rs.1,00,000/- as cash deposit by way of demand draft.



Order : These petitions coming for hearing on this day and the affidavit filed in support thereof and upon hearing the arguments of Mr.R.Sasikumar, Advocate for the petitioner and of Mr.A.Damodaran, Government Advocate (Criminal Side), Advocate for the 1st respondent, the Court made the following order :

The petitioners, who are the owner of the TATA MOTORS LTD bearing registration number TN-12-C-4837 and GOOD CARRIER bearing registration number TN-23-CD-1114 respectively, which are the case property in Crime No.06/2021, have filed these petition seeking modification of the order dated 05.08.2021 passed in Crl.M.P.No.570 & 571 of 2021 by the Principal District and Sessions Judge of Thirukalukundran District, Chengalpattu.

2.The contention of the learned counsel for the petitioners is that the petitioner are not named accused in Crime No.06 of 2021. The petitioners are the owner of the TaTa Motors Tipper Goods Vehicle TN-12-C-4837 & Goods Carrier Tipper Goods Vehicle TN-23-CD-1114 respectively. The petitioners' driver had absconded the vehicle absconded in these cases. The vehicle has been seized by the respondent police and the vehicles are now kept in the open space exposed to vagaries of weather and the vehicle are kept idle. The value of the vehicles are diminished and continuing to keep the vehicle in open area would make the vehicles unusable. Further, from 08.01.2021 almost more than 9 months, the vehicles are kept in the open area. The vehicles are the only source of income for the petitioners by hiring the vehicles, the petitioners are unable to eke their livelihood. Earlier Rs.One lakh deposited before the Thasildhar, when the drivers obtained Anticipatory Bail in the same Crime Number.

3.The learned Additional Public Prosecutor for the respondent submits that in this case, the driver of the vehicles have absconded. The vehicles have been seized by the respondent police. Thereafter, the petitioners filed petitions in Crl.M.P.No.570 & 571 of 2021 to return the vehicles. The trial Court allowed the petitions on some conditions imposed and granted interim custody of the vehicles to the petitioners, but the petitioners have not complied with the conditions issued by the trial Court. Now, the petitioners have approached this Court for modification of one of the conditions imposed by the trial Court i.e. condition No.2 via., The petitioner is directed to remit a non-refundable deposit of Rs.1,00,000/- to the Tahsildar, Thirukalukundram by way of demand draft payable to the credit of "The District Mines and Minerals Foundation Trust".

4.Considering the submission of the learned counsel for the petitioners that the petitioners' livelihood is denied and the petitioners are only the owners of the vehicles, the petitioners are directed to pay a sum of Rs.50,000/- each in respect of



Crl.M.P.Nos.570 & 571 of 2021 in stead of Rs.1,00,000/- and all other conditions imposed by the trial Court remain unaltered.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sms

TO

- 1.The Principal District and Sessions Judge,
Chengalpattu
- 2.The District Munsif cum Judicial Magistrate,
Thirukalundram.
- 3.The Tahsildar,
Thirukalukundram
- 4.The Inspector of Police
Sadras Police Station,
Kancheepuram
- 5.The Public Prosecutor
Madras High Court

+2ccs to Mr.R.Sasikumar, Advocate Sr.No.52383, 52837

DATED : 07/10/2021

ORDER

CRL.O.P.No.15135 OF 2021
&
CRL.O.P.No.15122 OF 2021

CNR (CO)
RVM(08/10/2021)