



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.18445 of 2021

T.Kalairaja

... Petitioner

Vs

1. The State Rep by Inspector of Police,  
E2, Thirukalukundram Police Station,  
Chengalpattu District, Crime No.29/2021.

2. The Manager,  
Dakash Financier,  
No.137, North Ushman Road,  
T.Nagar, Chennai.

....Respondents

PRAYER: Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, to modify the following conditions that i.the petitioner 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 infavour of the District Mine and Minerals Foundation Trust (Condition No.2), ii. The petitioner to execute a bond for a sum of Rs.1,00,000/- with two sureties each for a like sum to the satisfaction of the District Munsif cum Judicial Magistrate, Thirukalukundram (Condition No.3), iii.The petitioner directed to surrender the original R.C.Book of the vehicle ASHOK LEYAND LORRY bearing registration No.TN-21-AX-7272 before the District Munsif Cum Judicial Magistrate, Thirukalukundram (Condition No.4.) imposed in the application in Crl.M.P.No.1608/2021 vide order dated 02.09.2021 passed by the learned Principal Sessions Judge, Kancheepuram District at Chengalpattu.

For Petitioner : Mr.G.Mohan  
For Respondents : Mr.R.Vinoth Raja  
Govt.Advocate(Crl.Side)

ORDER

The petitioner, who is the owner of the vehicle, has filed this Criminal Original Petition seeking modification of the condition imposed on 02.09.2021 in Crl.M.P.No.1608 of 2021



interim custody of his vehicle Ashok Leyland Lorry bearing registration No.TN-21-AX-7272.

2.The lower Court, by order dated 02.09.2021, ordered interim custody of the lorry to the petitioner on certain conditions.

3.The petitioner is aggrieved as regards the condition No.2 directing the petitioner to deposit a sum of Rs.1,00,000/- non refundable to the credit of Tahsildar, Thirukalukundram.

4.The learned counsel for the petitioner submits that already when the driver was granted bail by the Court, Rs.25,000/- had been deposited. Hence, he seeks for modification.

5.The learned Govt. Advocate (Crl.side) submits that in this case, the petitioner's lorry used for transporting 5 units of M-sand without valid documents. The vehicle has been seized and found that the vehicle is involved in offence under Mines and Minerals Act and hence, seized by the respondent police.

6.In view of the same, this court modifies the condition No.2 that the non-refundable deposit amount is hereby reduced from 1,00,000/- to 50,000/-. As far as condition No.4 is concerned, the original R.C.Book is necessary for the goods vehicle while plying, checking and crossing the borders of the State. Hence, he needs the original document and therefore, the petitioner to produce the attested photostat copy of the R.C. Document before the Lower Court and the lower Court to verify the photostat copy along with original and return the original back to the petitioner.

With the above direction, the criminal original petition is disposed of.

Sd/-  
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

nr/sms

To

1.The Principal Sessions Judge,  
Kancheepuram District at Chengalpattu.



2. District Munsif Cum Judicial Magistrate,  
Thirukalukundram

3. The Inspector of Police,  
E2, Thirukalukundram Police Station,  
Chengalpattu District, Crime No.29/2021.

4. The Public Prosecutor,  
High Court, Madras.

+1CC to Mr.K.Kalimuthu, Advocate, Sr.No.55203

CRL.O.P.No.18445 of 2021

PA (CO)

K.RK. (12.11.2021)