



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Original Jurisdiction)

Monday, the First day of February Two Thousand and Twenty One

WEB COPY

PRESENT

The Hon'ble Mrs.Justice R.THARANI

CRL MP(MD). No.581 of 2021

in

CRL RC(MD).No.631 of 2020

S.Dakshinamoorthy ...Petitioner/Petitioner(3rd Party)

Vs

State rep by The Sub Inspector of Police,
Pandanallur Police Station, Thanjavur District.
(Crime No.192 of 2019)

...Respondent/Respondent

Prayer in CRL MP(MD). No.581 of 2021 :-

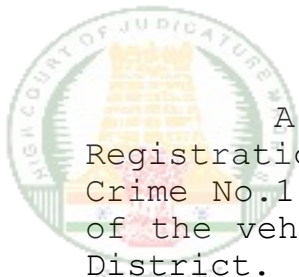
Criminal Miscellaneous Petition is filed under section 482 of Criminal Procedure Code, praying this hon'ble Court to modify the condition, imposed in Crl.R.C(MD)No.631 of 2020 dated 20.11.2020, directing me to deposit a sum of Rs.2,00,000 (Rupees Two Lakhs Only) to the credit of Crime No.192 of 2019 on the file of the Special Court under Mines and Minerals(D&R) Act 1957 (Principal Sessions Judge), Thanjavur District.

Prayer in CRL RC(MD).No.631 of 2020 :

Criminal Revision Case is filed under Section 397 read with Section 401 of Cr.P.C., to call for the entire records and set aside the order, dated 18.09.2020 passed in Cr.M.P.No.3323 of 2020, on the file of the Special Court, under Mines and Minerals (D & R) Act, 1957 (Principal Sessions Judge), Thanjavur District and return the vehicle viz., Ashok Leyland Goods Carrier (HGV) bearing Registration No.TN 02 Q 1899 seized in connection with Crime No.192 of 2019 on the file of the Sub Inspector of Police, Pandanallur Police Station, Thanjavur District to the petitioner herein.

ORDER:-

Criminal Miscellaneous Petition coming upon for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.A.Thiruvadikumar, Advocate for the Petitioner and of M/s. S.Bharathi, Government Advocate On Behalf of the Respondent, this Court made the following order:



A vehicle viz., Ashok Leyland Goods Carrier bearing Registration No.TN-02-Q-1899 was seized by the respondent police in Crime No.192 of 2019. The petitioner claiming himself as the owner of the vehicle filed a petition before the Special Court, Thanjavur District. That petition was dismissed by the Special Court. Against the same, the petitioner preferred a revision in Crl.R.C. (MD)No.631 of 2020, which was allowed by this Court, on 20.11.2020. Against the condition No.(ii), the petitioner preferred this petition.

2.On the side of the petitioner, it is stated that the petitioner could not mobilise the fund for a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to comply with the order passed by this Court and prayed the condition No.(ii) to be modified.

3.On the side of the respondent, it is stated that all the conditions imposed by this Court are reasonable and there is no necessity to modify any condition and prayed the petition to be dismissed.

4.It is seen that the vehicle is 2003 model goods carrier. It is stated that the vehicle is the only livelihood of the petitioner. In the above circumstances, this Court is inclined to modify the condition No.(ii).

"The petitioner shall deposit a sum of **Rs.50,000/- (Rupees Fifty Thousand only)** to the credit of Crime No.192 of 2019 on the file of the Special Court, under Mines and Minerals (D&R) Act, 1957, (Principal Sessions Judge), Thanjavur District within a period of two weeks from the date of receipt of a copy of this order"

In respect of other conditions, the order of this Court, dated 20.11.2020, shall remain unaltered. This Criminal Miscellaneous Petition is allowed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note : In view of the present lock down owing to COVID - 19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.



To

- 1.The Principal Sessions Judge, Special Court,
under Mines and Minerals (D & R) Act, 1957,
Thanjavur District, Thanjavur.
- 2.The Sub Inspector of Police,
Pandanallur Police Station,
Thanjavur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER DATED : 01/02/2021

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ORDER

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CRL MP(MD) . No.581 of 2021

Giving direction and etc.
as stated within.

NS (CO)
TR(11.02.2021) 3P 4C