



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 7.2.2022.

CORAM

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION NO.1684 OF 2022

S.Dhanapal

...Petitioner / Accused - A2

vs.

The Sub Inspector of Police,
Velur Police Station (L&O),
Namakkal District.

...Respondent / Respondent

Criminal Original Petition filed under Section 482 CrI.P.C. to modify the condition as passed in CrI.R.P.No.10 of 2021 on the file of the Principal Sessions Judge, Namakkal, dated 10.12.2021 insofar as the first condition of depositing a sum of Rs.50,000/- (Rupees fifty thousand only) before the jurisdictional Tahsildhar as Non-Refundable Deposit.

For Petitioner : Mr.M.Selvadurai

For Respondent : Mr.A.Gokulakrishnan, APP

ORDER

The petition has been filed seeking to modify the condition imposed in CrI.R.P.No.10 of 2021 on the file of the Principal Sessions Judge, Namakkal, dated 10.12.2021 insofar as the first condition of depositing a sum of Rs.50,000/- (Rupees fifty thousand only) before the jurisdictional Tahsildhar as Non-Refundable Deposit.

2. The petitioner is the owner of Tipper Lorry bearing Registration No.TN 69 P 2686 and the vehicle was seized by the respondent in connection with Crime No.392 of 2021 and the petitioner had filed CrI.M.P.No.2058 of 2021 before Judicial Magistrate, Paramathi under Section 451 Cr.P.C. seeking for return of the vehicle. Learned Judicial Magistrate, by order dated 17.5.2021, was pleased to dismiss the same against which, the petitioner had preferred Criminal Revision Petition No.10 of 2021 before the learned Principal Sessions Judge, Namakkal and the learned revisional court, by order dated 10.12.2021, was pleased to release the vehicle imposing certain conditions.



3. Learned counsel appearing for the petitioner would submit that one of the conditions imposed by the revisional court is that the petitioner shall deposit Rs.15,000/- before the jurisdictional Tahsildar as non-refundable deposit and thereupon the Tahsildar was directed to credit the same to the District Mines and Minerals Foundation Trust as a non-refundable deposit. He would further submit that the petitioner is the owner of the vehicle and it was seized by the respondent on 17.4.2021 and the petitioner is suffering from financial difficulty due to non-usage of the vehicle and since the petitioner is unable to raise Rs.50,000/-, the present petition has been filed seeking a modification.

4. Learned Additional Public Prosecutor would submit that the vehicle of the petitioner was found illegally transporting river sand and the revisional court has directed for deposit of Rs.50,000/-

5. Taking into consideration the the poor financial condition of the petitioner as expressed by the learned counsel for the petitioner and the fact that the vehicle was seized on 17.4.2021, the condition is modified and the petitioner is directed to deposit a sum of Rs.10,000/- instead of Rs.50,000/-. Accordingly, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS-VI)

// True Copy //

Sub Assistant Registrar

ssk.

To

1.The Principal Sessions Judge,
Namakkal.

2.The Sub Inspector of Police,
Velur Police Station (L&O),
Namakkal District.

3.The Public Prosecutor,
High Court, Madras.

+2ccs to Mr.M.Selvadurai, Advocate Sr.No.7861

Cr1.O.P. No.1684 of 2022

MG (CO)
RVM(11/02/2022)