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IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 03.02.2022
CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.2355 of 2022

Parasuraman

... Petitioner

Versus

State Rep. by
The Inspector of Police,
Singarapettai Police Station,
Krishnagiri District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to extend the time to the petitioner to deposit a sum of Rs.10,000/- to the credit of "Chief Educational Officer, Krishnagiri and also shall execute a bond for a sum of Rs.5,00,000/- with two sureties for a like sum to the satisfaction of the above said Judicial Magistrate in Crl.M.P.No.1548/2020 dated 25.09.2020 on the file of the Principal District and Sessions Court, Krishnagiri in Crime No.582 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.P.Saravanan

For Respondent : Mr.E.Raj Thilak
Additional Public Prosecutor
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O R D E R

This Criminal Original Petition is filed to extend the time to the petitioner to deposit a sum of Rs.10,000/- to the credit of "Chief Educational Officer, Krishnagiri and also shall execute a bond for a sum of Rs.5,00,000/- with two sureties for a like sum to the satisfaction of the above said Judicial Magistrate, Uthangarai in Crl.M.P.No.1548/2020 dated 25.09.2020 on the file of the Principal District and Sessions Court, Krishnagiri in Crime No.582 of 2020 on the file of the respondent police.

2.The petitioner had filed a petition seeking return of property in Crl.M.P.No.1548 of 2020 before the Principal



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District and Sessions Court, Krishnagiri and the Principal District and Sessions Court by order dated 25.09.2020, ordered to return the tractor to the petitioner with certain conditions. The conditions are as follows:

"1.The petitioner is hereby ordered to deposit a sum of Rs.10,000/- to the credit of the "Chief Educational Officer, Krishnagiri" on or before 09.10.2020 as non refundable deposit and produce the Payment Challan before the Judicial Magistrate-Uthangarai. The above said amount shall be deposited directly in the account of Savings Bank A/C.No.472311269 of the Chief Educational Officer, Krishnagiri maintained at Indian Bank, Bangalore Road, Krishnagiri Branch, (IFSC Code: IDIB000K052) by NEFT or RTGS mode by mentioning the Crime Number and Concerned Police Station. On such deposit, the Chief Educational Officer, Krishnagiri shall utilize the deposited amount only for renovation of Government Schools.

2.The petitioner shall execute a bond for a sum of Rs.5,00,000/- with two sureties for a like sum each to the satisfaction of the above said Judicial Magistrate.

3.The petitioner shall give an affidavit of undertaking before the above said Judicial Magistrate stating that he will not use the vehicle for any illegal activities in future.

4.The petitioner shall surrender the original Registration Certificate and photos taken in two angles pertaining to the vehicle John Deere Tractor bearing registration No.: TN-24-AQ-2841 before this Court.

5.The petitioner shall not sell or hypothecate the vehicle in any manner till the disposal of this case.

6.The petitioner shall not change the physical features of the vehicle.

7.The petitioner shall produce the vehicle on every 1st working day of Every succeeding Month before this Court and also he has to produce the vehicle as and whenever required during trial. Failing which, the respondent is at liberty to



confiscate the vehicle."

3.The grievance of the petitioner is that the petitioner is a poor agriculturalist, he is using the tractor for his agricultural activities from the year 2020. The vehicle is in the custody of the respondent police, now the vehicle is kept in open, exposing to vagaries of weather, the value of the vehicle is getting diminished. Due to the condition imposed the petitioner is denied to carry on his agricultural activities. The conditions imposed are onerous.

4.In view of the same, the petitioner had filed this petition for modification and also seeking extension of time. As regards condition No.1, the petitioner is now ready to deposit Rs.10,000/-. Hence he may be permitted to deposit the amount of Rs.10,000/- presently. With regard to the second condition for executing bond for a sum of Rs.5,00,000/- with two sureties for a likesum each and it is to be modified with Rs.10,000/- with two sureties. Surrendering the original Registration Certificate along with the photographs is not at all possible, since the original Registration Certificate would be used for hypothecation for getting loan. If the originals to be deposited in the Court, the petitioner would be denied of any loan. In view of the same, the petitioner is directed to submit the self attested photostat copy of the Registration Certificates of the vehicle before the lower Court, while receiving the same it may be verified along with the originals and the originals to be handed back to the petitioner.

5.Accordingly, this Court modifies the conditions as stated above, with regard to the condition Nos.5 and 7 are setaside and deleted. Condition No.6 stands unaltered. With the above modification, the time limit is extended and the petitioner is directed to complete the process within a period of 15 days from the date of receipt of a copy of this order or within 15 days from the normal functioning of the court, whichever is earlier.

6.With the above directions, this Criminal Original Petition stands disposed of.

Sd/-
Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

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