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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.4533 of 2022

A.Diwakar

...Petitioner/Petitioner
Owner of the Vehicle

Vs.

1. State: represented by its
Inspector of Police,
Uthiramerur Police Station,
Kancheepuram District.

2. The Assistant Director,
Mines and Minerals Department,
Kancheepuram,
Kancheepuram District.

3. The Tahsildar,
Uthiramerur Taluk,
Kancheepuram District.

...Respondents/Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to modify the condition imposed by the learned Principal Sessions Judge, Kancheepuram District at Chengalpattu, order dated 06.11.2020 made in Crl.M.P.No.7182 of 2019 4 (2) The petitioner is directed to deposit of sum Rs.1,00,000/- before the Tahsildar, Uthiramerur to the credit of the District Mines and Minerals Foundation Trust as Non refundable deposit.

For Petitioner : Mr.S.Punniakoti
For R1 : Mr.A.Gokulakrishnan
Additional Public Prosecutor.
For R2 : Mr.D.Vijay
Special Government Pleader
For R3 : Mr.Balamurugan
Government Advocate



O R D E R

The Criminal Original Petition has been filed to modify the condition 4(2) imposed by the learned Principal District and Sessions Judge, Kancheepuram District in Crl.M.P.No.7182 of 2019 vide order dated 06.11.2020.

2. The submissions of the learned counsel for the petitioner are as follows:-

(a) The petitioner is the owner of the Tipper lorry bearing Registration No.TN-38-AV-0783. The vehicle was seized by the first respondent/police on 28.09.2019 in connection with the Crime No.213 of 2019 for the offence under Sections 430, 379 IPC and 21 (1) of Mines and Minerals (Development & Regulation) Act,1957.

(b) The petitioner had filed an application for return of vehicle before the learned Principal District and Sessions Judge, Kancheepuram in Crl.M.P.No.7182 of 2019 and the learned Judge vide order dated 06.11.2020, had allowed the application on a condition to deposit a sum of Rs.1,00,000/- before the Tahsildar, Uthiramerur.

(c) The petitioner's vehicle is in custody for the past three years. Due to the poor financial status, the petitioner is unable to deposit the huge amount of Rs.1,00,000/-, thereby, he would pray that the condition 4(2) may be modified and the amount may be reduced. He would also submit that he is prepared to deposit Rs.50,000/-.

4. Learned Additional Public Prosecutor appearing for the first respondent would submit that the petitioner is the owner of the vehicle and the vehicle was seized by the first respondent/police for illegal transportation of 5 units sand.

5. Heard the learned Counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

6. Considering the facts and submissions made by the learned counsel for the petitioner, the condition imposed upon the petitioner in Crl.M.P.No.7182 of 2019 vide order dated 06.11.2020 in para 4(2) alone is modified as follows and the other conditions remains unaltered.



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The petitioner is directed to deposit a sum of Rs.50,000/- instead of Rs.1,00,000/- (Stated earlier) before the Tahsildar, Uthiramerur and on deposit, the said amount has to be deposited by the Tahsildar, Uthiramerur to the credit of the District Mines and Minerals Foundation Trust as Non refundable deposit.

s/d-
Assistant Registrar (CS-VIII)

True Copy

Sub-Assistant Registrar

ham/nr
To

1. The Principal District and Sessions Judge,
Kancheepuram District.
2. The Inspector of Police,
Uthiramerur Police Station,
Kancheepuram District.
3. The Assistant Director,
Mines and Minerals Department,
Kancheepuram,
Kancheepuram District.
4. The Tahsildar,
Uthiramerur Taluk,
Kancheepuram District.
5. The Public Prosecutor,
High Court, Madras

+1 CC to Mr.G.Punniyakoti, Advocate sr 13295.

Cr1.O.P.No.4533 of 2022

SR(CO)
SP(18/03/2022)