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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2022

CORAM

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

CRL.O.P.NO.8367 OF 2022

Kutty @ Ramesh
S/o.Mahadevan

... Petitioner/Petitioner/
Owner of the Vehicle

.Vs.

1. The State represented by,
The Inspector of Police,
Manimangalam Police Station,
Chengalpet District.

... Respondent/Respondent/
Complainant

2. Manohar Finance,
No.33, General Muthuai Mudali Street,
2nd Floor, Sowcarpet,
Chennai - 79.

... 2nd Respondent/2nd Respondent/
Financier

PRAYER:-

Criminal Original petition is filed under Section 482 of Criminal Procedure Code, pleaded to modify the conditions imposed by the Principal District and Sessions Judge Chengalpattu, by its order dated 22.11.2021 made in Crl.M.P.No.4818 of 2021 as "the petitioner shall deposit a sum of Rs.10,000/- to the Tahsildar, Sriperumbudhur by way of demand draft payable to credit of "The District Mines and Minerals Foundation Trust" instead of the original order that the petitioner is directed to remit a non-refundable deposit of Rs.50,000/- (Rupees Fifty Thousand Only) to the Tahsildar, Sriperumbudhur by way of demand draft payable to credit of "The District Mines and Minerals Foundation Trust".

For Petitioner : Mr.R.Sasikumar

For Respondents

For R1 : Mr.A.Gokulakrishnan
Additional Public Prosecutor



ORDER

This criminal original petition has been filed seeking to modify the condition imposed by the Principal District and Sessions Judge Chengalpattu, by its order dated 22.11.2021 made in CrI.M.P.No.4818 of 2021 as "the petitioner shall deposit a sum of Rs.10,000/- to the Tahsildar, Sriperumbudhur by way of demand draft payable to credit of "The District Mines and Minerals Foundation Trust" instead of the original order that the petitioner is directed to remit a non-refundable deposit of Rs.50,000/- (Rupees Fifty Thousand Only) to the Tahsildar, Sriperumbudhur by way of demand draft payable to credit of "The District Mines and Minerals Foundation Trust".

2. The learned counsel for the petitioner would submit that the petitioner is the owner of TATA 407 131 TRUCK vehicle bearing Registration No.TN-20-R-6039 with Engine No.AB41J29408 and Chassis No.MAIZG2ABA41J38314 which was seized by the respondent police in connection with Crime No.1662 of 2020 for the offences punishable under Sections 430, 379 of I.P.C read with Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957.

3. The learned counsel for the petitioner would submit that the petitioner had filed an application seeking for return of the vehicle in CrI.M.P.No.4818 of 2021 before the Principal District and Sessions Judge at Chengalpattu. By an order dated 22.11.2021, the learned Principal District and Sessions Judge at Chengalpattu directed the respondent police to return the vehicle back to the petitioner with a condition to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) to the Tahsildar, Sriperumbudhur by way of demand draft payable to credit of the District Mines and Minerals Foundation Trust.

4. The learned counsel for the petitioner would further submit that the petitioner had purchased the vehicle by obtaining finance from one Manohar Finance and due to the poor financial condition on account of Covid-19 pandemic period, the petitioner was unable to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) to the Tahsildar, Sriperumbudhur and thereby he would pray that the condition directing the petitioner to remit a non-refundable deposit of Rs.50,000/- may be modified.

5. The learned counsel for the petitioner would further submit that the vehicle was seized along with one unit of Odai



Sand and he would further submit that the petitioner has also paid a sum of Rs.10,000/- at the time of granting of anticipatory bail.

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6. The learned Additional Public Prosecutor for the first respondent would submit that the petitioner's vehicle was seized with one unit of Odai sand.

7. Taking into consideration the poor financial condition of the petitioner due to Covid-19 pandemic period and the submissions made by the learned counsel for the petitioner, this Court is inclined to modify the condition No.2 alone and the petitioner is directed to remit a non-refundable deposit of Rs.25,000/- to the Tahsildar, Sriperumbudur by way of demand draft payable to credit of the District Mines and Minerals Foundation Trust. The other conditions imposed stand unaltered.

8. This Criminal Original Petition stands disposed of with the above observations.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rgm/arb

To

1. The Inspector of Police,
Manimangalam Police Station,
Chengalpattu Taluk,
Chengalpet District.
2. The Public Prosecutor,
High Court of Madras.

Copy To:-

1. The Principal District and Sessions Judge,
Chengalpattu.



2. The Judicial Magistrate No.II,
Tambaram.

3. The Tahsildar,
Sriperumbudhur.

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+1cc to Mr.R.Sasikumar, Advocate, S.R.No.25851

CRL.O.P.NO.8367 OF 2022

PMK (CO)
PBS/28/04/2022