



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.9930 of 2022

Sathish Kumar
S/o.Vadivel

... Petitioner

Vs

The State Represented by,
The Inspector of Police,
Ulundurpet Police Station,
Kallakurichi District.
(Crime No.738 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the order passed by the learned Principal District Session Judge, Villupuram in Criminal Miscellaneous Petition No.1707 of 2022 dated 15.03.2022 and allow the Criminal Original Petition.

For Petitioner : Mr.S.Saravanakumar

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

This Criminal Original petition has been filed seeking to set aside the order passed by the learned Principal District Session Judge, Villupuram in Criminal Miscellaneous Petition No.1707 of 2022 dated 15.03.2022 and allow the Criminal Original Petition.

2. The learned counsel for the petitioner would submit that the petitioner is the owner of the Ashok Leyland Tipper Lorry bearing Registration No.TN-61-A-4115, which was seized by the respondent for illegally transporting two units of pebbles without valid invoice or permit from the Government. He would further submit that the petitioner had filed petition in Crl.M.P.No.2612 of 2021 before the learned Judicial Magistrate No.I, Ulundurpet seeking relief to return the vehicle. By an order dated 24.11.2021, the learned Judicial Magistrate No.I, Ulundurpet had dismissed the petition.



3. He would further submit that against the order passed in Crl.M.P.No.2612 of 2021, the petitioner has preferred petition in Crl.R.P.No.264 of 2021 before the learned Principal Sessions Judge, Villupuram. The learned Judge by an order dated 10.02.2022, directed "the learned Judicial Magistrate No.I, Ulundurpet to hand over the aforesaid vehicle to the petitioner as interim custody on complying the above said conditions within a period of two weeks".

4. He would further submit that due to outbreak of Covid-19 pandemic, the petitioner was unable to arrange sureties and thereby he was unable to comply with the conditions within a period of two weeks. Thereafter, the petitioner had filed an application seeking for extension of time in C.M.P.No.1707 of 2022 before the learned Principal Session Judge, Villupuram and the learned Judge by an order dated 15.03.2022 had dismissed the same.

5. He would further submit that due to poor financial status and Covid-19 pandemic period, the petitioner was unable to arrange the sureties. He would further submit that now the petitioner is ready with the sureties and thereby he would seek for extension of time.

6. Heard. The petitioner was unable to comply with the condition due to his poor financial condition and also due to Covid-19 pandemic situation. No prejudice will be caused to the respondent, if the time granted to comply is extended.

7. In view of the above, the order dated 15.03.2022 passed by the learned Principal District Session Judge, Villupuram in C.M.P.No.1707 of 2022 stands set aside. The time granted in condition (X) of the Crl.R.P.No.264 of 2021 dated 10.02.2022, is extended by further period of two weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

rgm/mp



To

1.The Principal District Sessions Judge,
Villupuram.

2.The Inspector of Police,
Ulundurpet Police Station,
Kallakurichi District.

3.The Public Prosecutor,
High Court of Madras.

+1cc to Mr.S.Saravana Kumar, Advocate SR. No. 30805

Cr1.O.P.No.9930 of 2022

MG (CO)

PR (20/05/2022)