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Crl.O.P.No.28925 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2022

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Crl.O.P.No.28925 of 2022

Lakshmi

...

Petitioner

versus

State Rep by
The Deputy Superintendent of Police,
Economic Offences Wing-II,
Chennai.
(Crime No.30 of 2021)

...

Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, praying to modify the condition that “(2) the petitioner shall execute a bond for a sum of Rs.12,00,000/- for the vehicle bearing Registration No.TN-19-A-1927 Model Ford India Pvt. Ltd. with one surety for a like sum to the satisfaction of this court and (3) the petitioner shall execute a bond for a sum of Rs.6,00,000/- for the vehicle bearing Registration No.TN-10-BD-3622 Model Renault Kwid purchased in the year 2015 with one surety for a like sum to the satisfaction of this court” in Crl.M.P.No.2852/2022 dated 07.10.2022 on the file of the Court of Special Judge under the Tamil Nadu Protection of Interest of Depositors (in Financial Establishment) Act, 1997, Chennai.



For Petitioner : Mr.V.Karnan

For Respondent : Mr.S.Santhosh
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed seeking a direction to modify the conditions imposed by the learned Special Judge under the Tamil Nadu Protection of Interest of Depositors (in Financial Establishment) Act, 1997, Chennai in Crl.M.P.No.2852 of 2022 dated 07.10.2022.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

3. The petitioner is A-4 in a case registered against her in Crime No.30 of 2021 on the file of the respondent police. The learned counsel for the petitioner submitted that the petitioner has filed a petition in Crl.M.P.No.2852 of 2022 by directing the respondent police to produce the property involved in this case and to return the same to the petitioner on interim custody. The said petition was allowed on the following conditions:-



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- “1. The petitioner shall produce proof of ownership of the vehicles.
2. The petitioner shall execute a bond for a sum of Rs.12,00,000/- for the vehicle bearing Registration No.TN 19 A 1927 Model Ford India Pvt. Ltd. with one surety for a like sum to the satisfaction of this Court.
3. The petitioner shall execute a bond for a sum of Rs.600,000/- for the vehicle bearing Registration No.TN 10 BD 3622 Model Renault Kwid purchased in the year 2015 with one surety for a like sum to the satisfaction of this Court.
4. The petitioner shall surrender the RC book for both the vehicles before this court and she is at liberty to get back the RC books for renewal of the registration or for getting insurance to the vehicles. The RC books can be obtained from the court by filing a petition and after completion, the same should be returned to the court.
5. The petitioner shall also file an affidavit of undertaking to the effect that she will not alienate the vehicles without obtaining an order from this court and she will produce the said vehicles before the court as and when required by this court. Further to the effect that no major alteration excepting the necessary repairs to make the vehicles road worthy shall be made.
6. The petitioner shall give undertaking that she will not use the vehicles for any illegal activities.
7. The petitioner shall take the photograph all the sides of both the vehicles and produce the photographs in this court.
8. The petition is dismissed in respect of return of passport and RC books.”



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4. Since the petitioner has not filed any petition before the learned Special Judge under the Tamil Nadu Protection of Interest of Depositors (in Financial Establishment) Act, 1997, Chennai and sought the prayer for modification, the petitioner is directed to exhaust the remedy available to her before the trial Court by way of filing appropriate application.

5. With these observations, this Criminal Original Petition stands disposed of.

24.11.2022

Speaking order / Non-speaking order

Index : Yes / No

Internet : Yes

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- To
- 1.The Special Judge
under the Tamil Nadu Protection of Interest of Depositors
(in Financial Establishment) Act, 1997,
Chennai.
 - 2.State Rep by
The Deputy Superintendent of Police,
Economic Offences Wing-II,
Chennai.
 - 3.The Public Prosecutor,
Madras High Court,
Chennai.



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R.N.MANJULA, J.

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