



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 17.02.2022

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**
CRL OP(MD).No.3186 of 2022

WEB COPY

Nishore

... Petitioner

Vs

The State represented by
The Inspector of Police,
Kumbakonam West Police Station,
Thanjavur District,
(Crime No.1347 of 2021).

... Respondent/Complainant

PRAYER : Petition filed under Section 482 read with 439 1(b) of Criminal Procedure Code, to modify the first condition imposed by the learned Principal Sessions Judge, Thanjavur in Crl.M.P.No.318 of 2022 dated 21.01.2022.

For Petitioner : Mr.M.Karunanithi
Advocate

For Respondent : Mr.M.Muthumanikkam
Government Advocate (Crl side)

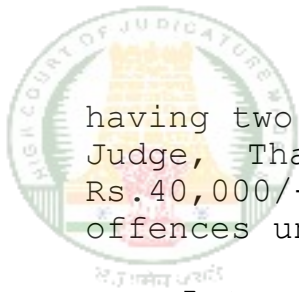
ORDER

This Criminal Original Petition has been filed seeking modification of the first condition imposed by the learned Principal Sessions Judge, Thanjavur, in Crl.M.P.No.318 of 2022 dated 21.01.2022, wherein the learned Judge has directed the petitioner to pay a sum of Rs.40,000/- as a non-refundable deposit to the credit of "Patient Welfare Society Government Headquarters Hospital, Kumbakonam" by means of Demand Draft.

2. It is seen that the petitioner was charged for the offences under Sections 4(1)(aa), 4(1-A) of TNP Act in Crime No.1347 of 2021 on the file of the Kumbakonam West Police Station. According to the prosecution, the petitioner has transported 55 litres of Pondicherry arrack and 50 numbers of 180 ml TASMAL brandy liquor bottles in a two wheeler.

3. Considering the nature of the offences, quantity of liquor involved, period of incarceration, the learned Principal Sessions Judge, Thanjavur, has granted bail.

4. When the matter was taken up for hearing today(17.02.2022), the learned Government Advocate would submit that the petitioner is



having two previous cases and as such the learned Principal Sessions Judge, Thanjavur, has rightly imposed the condition to deposit Rs.40,000/-. But admittedly, the previous cases were for the offences under Section 4(1)(a) of TNP Act.

5. Considering the nature of the offences and also the period of incarceration, the condition imposed by the learned Principal Sessions Judge, Thanjavur, to make a non refundable deposit of Rs.40,000/- seems to be onerous.

6. Hence this Court is inclined to modify the order imposed by the learned Principal Sessions Judge, Thanjavur and the petitioner is directed to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) as a non-refundable deposit, to the credit of "Patient Welfare Society Government Headquarters Hospital, Kumbakonam" by means of Demand Draft, within a period of two weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

pnn

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The learned Principal Sessions Judge, Thanjavur.

2. The Inspector of Police,
Kumbakonam West Police Station,
Thanjavur District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

COPY TO:

The officer In-charge,
Patient Welfare Society Government Headquarters Hospital,
Kumbakonam.

+1 CC to M/s.M.KARUNANITHI, Advocate (SR-1331[I] dated 21/02/2022)

CRL OP(MD) .No.3186 of 2022

RD(25.02.2022) 2P 6C

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