



Crl.O.P.(MD) No.13204 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 27.07.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.13204 of 2022

Selva Kumar

... Petitioner

Vs

The Inspector of Police,
Tamil University Police Station,
Thanjavur District. Cr.No.157/2022.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to modify the conditions imposed in serial No.1 with regard to deposit for sum of Rs.50000/- and in Serial no 2 and with regard to the Rs. 2,00,000 with two sureties in serial no 4 with regard to the surrender of the original RC Book in Crl.M.P.No.2761/22, on the file of the Principal Sessions Judge, Thanjavur, dated 11.07.2022.

For Petitioner : Mr. Pragadeesh Kumar.K

For Respondent : Mr.R.Suresh Kumar,
Government Advocate (Crl.Side)



Crl.O.P.(MD) No.13204 of 2022

ORDER

WEB COPY

This Criminal Original Petition has been filed to set aside the conditions viz., condition Nos.(i), (ii), (iv) imposed vide order dated 11.07.2022 in Crl.M.P.No.2761/22, passed by the Principal Sessions Judge, Thanjavur, dated 11.07.2022.

2.The learned counsel for the petitioner submitted that the petitioner is the owner of Ashok Leyland Tipper bearing Registration No.TN-38-V-2328. The respondent Police has intercepted the said vehicle and seized the same on the ground that it was used for carrying white B-sand without any valid permit and registered a case in Crime No.157 of 2022, under Section 379 IPC and Section 21(1) Mines and Minerals (Development and Regulation) Act. Subsequently, the petitioner has approached the learned Principal Sessions Judge, Thanjavur, by way of a petition in Crl.M.P.No.2761 of 2022, for release of the vehicle and the learned Judge has allowed the said petition, by order dated 11.07.2022, thereby, imposing the following conditions:

1. The petitioner is directed to pay a sum of Rs.50,000/- (Rupees



Crl.O.P.(MD) No.13204 of 2022

Fifty thousand only), which is non-refundable to the credit of the Education Department by means of demand draft to be drawn in anyone of the Nationalized Banks in favour of "The Chief Educational officer, Thanjavur (Development Fund) Account No. 05350100020509 of Bank of Baroda, Thanjavur, IFSDC BARB0TANJOR payable at Thanjavur and produce the original demand draft before the said office and obtain its proper acknowledgment receipt in his name with Crl.M.P.No. From the said office and produce the receipt, xerox copy of the demand draft along with memo before Jurisdictional Magistrate.

2. The petitioner shall execute a personal bond for a sum of Rs. 2,00,000/- with two sureties each for a likesum to the satisfaction of the jurisdictional Magistrate.

3. The petitioner shall take photograph of the vehicle from all angles and produce the photographs and CD before the jurisdictional Magistrate's Court.

4. The petitioner shall surrender the original RC book of his vehicle before the jurisdictional Magistrate's Court till the disposal of the case. However, the petitioner is permitted to obtain the original RC book on petition from the said Magistrate's Court for renewal of the



Crl.O.P.(MD) No.13204 of 2022

vehicle as and when required and after renewal, he shall hand over the same again to the said Magistrate's Court.

5. The petitioner shall not sell, change or alter the nature and colour or otherwise dispose of the vehicle till the disposal of this case.

6. The petitioner shall file an Affidavit before the jurisdictional Magistrate's Court.

3.In the above said conditions, the trial Court has ordered to pay a sum of Rs.50,000/- as non refundable deposit, to execute a personal bond for a sum of Rs.2,00,000/- with two sureties and also to surrender the original RC book of the alleged vehicle. Since the petitioner has transported only two units of white B-sand, the conditions imposed by the learned Principal Sessions Judge, Thanjavur are onerous.

4.The learned Government Advcoate (Crl.Side) also supported the order of the trial Court and pleaded to dismiss the petition.

5.I considered the matter in the light of the submissions made by both sides. On perusal of offences registered, the conditions imposed by



Crl.O.P.(MD) No.13204 of 2022

the trial Court seem to be onerous. Hence, I am inclined to modify the conditions imposed by the learned Principal Sessions Judge, Thanjavur, in Crl.M.P.No.2761 of 2022, dated 11.07.2022.

6.In view of the above, the order in Crl.M.P.No.2761 of 2022, dated 11.07.2022, passed by the learned Principal Sessions Judge, Thanjavur is hereby modified to the following effect:-

- *Condition No.(i), a direction to the petitioner to pay a sum of Rs.50,000/- (Rupees Fifty thousand only), as non-refundable to the credit of the Education Department, is hereby set aside; and*
- *Condition(ii) is modified, to the effect that the petitioner is directed to execute a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh Only) with two sureties each for a like sum to the satisfaction of jurisdictional Magistrate.*
- *In respect of other conditions, the order of the learned Principal Sessions Judge, Thanjavur, shall remain unaltered.*



Crl.O.P.(MD) No.13204 of 2022

WEB COPY

6. Accordingly, this Criminal Original Petition stands disposed of.

27.07.2022

Internet: Yes

Index: Yes

PNM

To

1. The Inspector of Police,
Tamil University Police Station,
Thanjavur District. Cr.No.157/2022.

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



WEB COPY



Crl.O.P.(MD) No.13204 of 2022

V.SIVAGNANAM, J.

PNM

ORDER IN
CRL.O.P (MD) No.13204 of 2022

27.07.2022