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CrI.O.P.No.1650 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.1650 of 2023

Pugazhendhi

... Petitioner

VS

State rep by
S.H.O. Arakandanallur Police Station,
Villupuram District.
Crime No.288 of 2022
C.P.No.283 of 2022

... Respondent

Prayer: Criminal Original Petition has been filed under Section 482 of Cr.P.C. to set aside and modified the condition order in Para 9(ii) passed by the learned Principal District Sessions Judge, Villupuram in CrI.R.P.No.137 of 2022 dated 16.11.2022.

For Petitioner : Mr.K.T.S.Sivakumar

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

ORDER



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This Criminal Original Petition has been filed to set aside and modify the condition in paragraph No.9(ii) of the order passed by the learned Principal District Sessions Judge, Villupuram in Crl.R.P.No.137 of 2022, dated 16.11.2022.

2.The learned counsel for the petitioner submitted that the petitioner filed a petition under Section 451 Cr.P.C. seeking custody of the “Tipper Lorry” bearing registration No.TN 04 D 2937 on the file of the learned Judicial Magistrate, Tirukoilur in C.M.P.No.84 of 2022. This petition was dismissed on 02.09.2022. Against the said order, the petitioner filed Crl.R.P.No.137 of 2022 on the file of the learned Principal Sessions Judge, Villupuram. The learned Principal Sessions Judge, Villupuram allowed the petition, but imposed a condition of executing a personal bond for a sum of Rs.10,00,000/- (Rupees Ten lakhs only) with two sureties for a like sum of Rs.10,00,000/- each (Rupees Ten lakhs each) to the satisfaction of the concerned Judicial Magistrate Court within a period of two weeks.



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3.It is further submitted by the learned counsel for the petitioner that the aforesaid lorry was purchased in the year 1996 and the present value of the lorry would not be more than a sum of Rs.5 lakhs. Thus, he prayed for modification of the above condition only with reference to the bond amount.

4.The learned Government Advocate (CrI.Side) appearing for the respondent submitted that this Court may pass appropriate orders.

5.In the light of the submissions made by the learned counsel for the petitioner that the lorry was purchased in the year 1996 and the present value of lorry would not be more than a sum of Rs.5 lakhs, this Court modifies the condition as follows :

“that the petitioner shall execute a personal bond for a sum of Rs.5,00,000/- (Rupees Five lakhs only) with two sureties for a sum of Rs.1,00,000/- each (Rupees Ten lakhs each) to the satisfaction of the concerned Judicial Magistrate Court within a period of two weeks from the date of receipt of a copy of this order.”



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6. Accordingly, the Criminal Original Petition is disposed of and the other conditions imposed in the order shall remain unaltered.

27.01.2023

Index: Yes/No

Internet: Yes/No

Speaking/Non speaking order

sp



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To

- 1.The Principal District Sessions Judge,
Villupuram.
- 2.The S.H.O. Arakandanallur Police Station,
Villupuram District.
- 3.The Public Prosecutor,
High Court, Madras.



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G.CHANDRASEKHARAN, J.

sp

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