



Crl MP No.19576 of 2023 in Crl RC No.619 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE :19.12.2023

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.MP No.19576 of 2023

in

Crl RC No.619 of 2023

A.P.Karunanidhi

... Petitioner/Accused

Vs.

State of Tamil Nadu,

Represented by

The Inspector of Police,

H-5, New Washermenpet Police station,

Chennai 600 081

... Respondent /Defacto complainant

Prayer : This Criminal Miscellaneous Petition is filed under Section 482 of

Cr.P.C. to modify the conditions viz., "The petitioner is directed to execute a personal bond for a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) before the learned Principal Special Court under EC and NDPS Act, Chennai and the learned Magistrate shall not insist on production of Solvency certificate of this Court imposed on the petitioner in Crl RC No.610 of 2023 in Crime No..483 of 2022 pending on the file of the Respondent by its order dated 12.06.2023.



For Petitioner	: Mr.D.Manimaran
For Respondent	: Mr.A.Damodaran
	Additional Public Prosecutor

ORDER

This petition has been filed seeking to modify the condition imposed on the petitioner in Crl RC No.619 of 2023 in Cr.No.483 of 2022 pending on the file of the respondent by its order dated 12.06.2023.

2. Heard Mr.D.Manimaran, learned counsel for the petitioner and Mr.A.Damodaran, Additional Public Prosecutor for respondents.

3. The petitioner is the owner of the TATA Tiago Car bearing Registration No. TN05 BH 2153 and he along with other accused persons were found illegally selling ganja and convicted for an offences under Section 8[C], 9A read with 21(a), 21(c), 25(A) of the NDPS Act and the same was seized by the respondent police. Ultimately, the vehicle was also produced before the Court below which is in the custody of the Court.

4. The petitioner filed an application seeking for return of property



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before the Principal Sessions Court and the said application filed in Crl MP No.6468 of 2022 was dismissed on 05.01.2023. Aggrieved by the same, the petitioner filed a Criminal Revision in Crl RC No.619 of 2023 before this Court. The said Criminal Revision case was allowed by this Court vide order dated 12.06.2023 by imposing certain conditions where one such condition is that the petitioner to execute a personal bond for a sum of Rs.10,00,000/-. Since the petitioner does not have any source of income, he could not be able to comply with the above said condition. Aggrieved by the same, the present petition has been filed before this Court seeking for modification.

5. The learned counsel for the petitioner submitted that the vehicle has been in the custody from July 2022 onwards which is exposed to rain and shine and it would become a scrap. The petitioner being a driver of the case, the vehicle is the only income for his survival. The learned counsel further submitted that the petitioner is only the bread winner of his family and there is no other source of income.



6. The learned Additional Public Prosecutor submitted that the petitioner is not a named accused in the FIR. Based on the confession given by the Co-accused, he was arrayed as an accused. On investigation, it was found that the petitioner had used his vehicle for illegally transporting the contra band and therefore, he opposed to grant modification of the condition.

7. Considering the facts of this case and the materials placed before this Court, this Court finds that the vehicle was seized by the respondent police during July 2022 and since then, the same was in the custody of the respondent police, which is exposed to rain and shine and further it is found that the vehicle is of the year 2016 and it is almost 7 years old, the value of the vehicle will get depreciated very soon. In view of the above, the 2nd condition imposed against the petitioner is modified to the extent that the petitioner shall execute a personal bond for a sum of Rs.1,00,000/- and all other conditions shall remain unaltered.



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WEB COPY 8. This Criminal Miscellaneous petition is ordered accordingly.

19.12.2023

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Index : Yes/No

Internet: Yes

Speaking Order/Non-speaking Order

To

1. The Principal Special Court under EC and NDPS Act,
Chennai
2. State of Tamil Nadu,
Represented by
The Inspector of Police,
H-5, New Washermenpet Police station,
Chennai 600 081
3. The Public Prosecutor,
Madras High Court,
Chennai.



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M.NIRMAL KUMAR,J.

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