



Crl.O.P.No.32230 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2023

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THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.32230 of 2022

J.Prakasam @ Sivaprakasam

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Rasipuram Police Station,
Namakkal District.

(Crime No.225 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439(1)(b) of Cr.P.C., pleased to modify the condition imposed in the order daed 16.11.2022 in Crl.R.C.No.47 of 2022 on the file of the learned Principal Sessions Judge, Namakkal as far as directing the petitioner to deposit a sum of Rs.50,000/- (Rupees Fifty thousand only) before the Jurisdictional Thasildhar as non-refundable deposit is concerned.

For Petitioner : Mr.R.Nalliyappan

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed to modify one of the conditions imposed by the learned Principal Sessions Judge, Namakkal District in Crl.R.C.No.47 of 2022, vide order dated 16.11.2022.

2. Learned counsel for the petitioner submitted that the petitioner has filed a Crl.R.C.No.47 of 2022 before the learned Principal Sessions Judge, Namakkal District seeking to set aside the order passed by the learned Judicial Magistrate, Rasipuram and to return the petition mentioned vehicle Ashok Leyland Tipper lorry to the petitioner. He further submitted that the learned trial Judge while allowing the said revision petition imposed certain conditions and one of those conditions is that the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty thousand only) before the Jurisdictional Thasildhar as non-refundable deposit. He also submitted that since the petitioner is unable to mobilize the fund, despite the order passed by the learned trial Court, the vehicle is still in the custody of the respondent Police. Thereby, he seeks for modification of the condition.

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



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4. In view of the above submission, the condition (i) imposed by the learned Principal Sessions Judge, Namakkal in Crl.R.C.No.47 of 2022 dated 16.11.2022, is modified as follows and the other conditions remains unaltered.

(i) the petitioner is directed to deposit a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** to the credit of **Registered Advocates Clerks Association, Namakkal**, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below;

05.01.2023

Internet: Yes/No

Index :Yes/No

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To

1. The Principal Sessions Judge,
Namakkal.
2. The Inspector of Police,
Rasipuram Police Station,
Namakkal District.
3. The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI, J.

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