



Crl.O.P.(MD)No.12977 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.12977 of 2023

Sindhu Sundaradhas @ Sindhu

... Petitioner/Petitioner/3rd Party

Vs.

Sub-Inspector of Police,
Karungal Police Station,
Kanniyakumari District
at Nagercoil.

... Respondent/Respondent/Complainant

PRAYER : Criminal Original Petition is filed under Section 439(1)(b) of Cr.P.C, to modify the condition imposed in Crl.M.P.No.48 of 2023, dated 04.05.2023 on the file of the learned Vacations Sessions Judge, Kanniyakumari District at Nagercoil so far as regards deposit of money Rs.1,00,000/- in connection with Cr.No.1 of 2023 on the file of the respondent police by allowing this criminal original petition.

For Petitioner : Mr.T.Wins,Advocate

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

ORDER

This petition has been filed seeking to modify the condition imposed in Crl.M.P.No.48 of 2023, dated 04.05.2023 on the file of the learned Vacations Sessions Judge, Kanniyakumari District at Nagercoil so far as regards deposit of money

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Rs.1,00,000/- in connection with Cr.No.1 of 2023 on the file of the respondent police

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by allowing this criminal original petition.

2.The learned counsel for the petitioner would submit that the petitioner is a third party to the case. The case of the prosecution is that on 02.01.2023, on secret information when the police team went to the place of occurrence, the accused persons involved in illegal transportation of red soil using the vehicle bearing registration No.TN-74-BA-9648 (TATA 407 - TIPPER). Hence, the case was registered in Crime No.1 of 2023 for the offence punishable under Section 379 of IPC. Originally, the petitioner's husband is the owner of the above said vehicle. He used to let out his vehicle to his close relative on monthly rental basis. The petitioner filed a petition before the Vacation Court, Kanniyakumari District under Section 451 Cr.P.C. seeking interim custody of vehicle. It was ordered with a direction to deposit a sum of Rs.1,00,000/- before the learned Judicial Magistrate, Eraniel. Aggrieved over the same, to modify the above said order, this petition has been filed.

3.On the ground that this vehicle was not loaded with sand, this modification petition has been filed.

4.Perusal of CD file shows that this vehicle did not carry any sand at the time of seizure. So condition imposed upon the petitioner while entertaining the petition



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under Section 451 of Cr.P.C. is to be modified to the effect that he must deposit Rs.25,000/- instead of Rs.1,00,000/-.

5.Accordingly, the condition imposed upon the petitioner is modified to the effect that she shall deposit a sum of Rs.25,000/- before the learned Judicial Magistrate, Eraniel instead of Rs.1,00,000/-. The other conditions imposed upon her remains unchanged.

6.With the above said directions, this criminal original petition stands disposed of.

sd/-
27/07/2023

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/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TM
TO

- 1 THE VACATIONS SESSIONS JUDGE,
KANYAKUMARI DISTRICT.
- 2 THE JUDICIAL MAGISTRATE,
ERANIEL.
- 3 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT @ NAGERCOIL

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4 THE SUB INSPECTOR OF POLICE
KARUNGAL POLICE STATION,
KANYAKUMARI DISTRICT.
AT NAGERCOIL.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MS. WINS.T Advocate SR.No.36270(F)

ORDER
IN

CRL OP(MD) No.12977 of 2023

Date :27/07/2023

PKP/DD/SAR- /07.08.2023/ 4P/ 7C

Madurai Bench of Madras High Court is issuing certified
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