



WEB COPY



Crl.M.P.No.3897 of 2024 in
Crl.R.C.No.756 of 2020

Crl.M.P.No.3897 of 2024 in
Crl.R.C.No.756 of 2020

R.HEMALATHA, J.

The present petition is filed seeking to modify condition No.1 imposed by this Court vide orders dated 23.09.2020 in Crl.R.C.No.756 of 2020.

2. The petitioner is the owner of the vehicle (Tipper Lorry) bearing Registration Number TN-32-T-7797, which was seized on 25.02.2020 while transporting six units of sand and an FIR in Crime No.65/2020 has been registered by the Inspector of Police, Manalmedu Police Station, Mayiladuthurai District against the petitioner for the alleged offences punishable under Sections 379 I.P.C. and 21(1) of the Mines & Minerals (Development & Regulation) Act, 1957. The petitioner filed Crl.M.P.No.1892 of 2020 before the District and Sessions Court, Nagapattinam, under Section 451 Cr.P.C., for interim custody of the vehicle and the same was dismissed on 24.07.2020, as against which, Crl.R.C.No.756 of 2020 was filed. A learned single Judge of this Court granted interim custody of the lorry to the petitioner with certain conditions. The condition which is sought to be modified in this petition



Crl.M.P.No.3897 of 2024 in
Crl.R.C.No.756 of 2020

is extracted hereunder:

(i) The petitioner shall deposit a sum of Rs.1,00,000/- before the Jurisdictional Tahsildar as non-refundable deposit. After receipt of the above said amount the same will have to be deposited by the Tahsildar, to the credit of the District Mines and Minerals Foundation Trust, Nagapattinam, as non-refundable deposit;

3. Mr.U.Kathiravan, learned counsel for the petitioner would submit that the petitioner is unable to deposit Rs.1,00,000/- as he incurred heavy expenditure in repairing the lorry. His further contention is that the petitioner is using the vehicle only for agricultural purpose and has no other source of income.

4. Mr.S.Raja Kumar, learned Additional Public Prosecutor assisted by Mr.A.Shahana Fathima, learned Government Advocate (Crl. side) appearing for the Respondent filed a detailed counter and stated that the investigation in crime No.65/2020 is stil pending and in the circumstances, it may not be appropriate to modify the conditions



Crl.M.P.No.3897 of 2024 in
Crl.R.C.No.756 of 2020

imposed by this Court.

5. However, considering the submissions made by the learned counsel for the petitioner, the amount of Rs.1,00,000/- is reduced to Rs.50,000/- and accordingly the first condition is modified as under:

(i) The petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) before the Jurisdictional Tahsildar as non-refundable deposit. After receipt of the above said amount the same will have to be deposited by the Tahsildar, to the credit of the District Mines and Minerals Foundation Trust, Nagapattinam, as non-refundable deposit;

6. With the above modification, this Petition is allowed. It is made clear that except the above modification, all other conditions shall remain unaltered.

03.06.2024

vum



WEB COPY



Crl.M.P.No.3897 of 2024 in
Crl.R.C.No.756 of 2020

R.HEMALATHA, J.

vum

Crl.M.P.No.3897 of 2024 in
Crl.R.C.No.756 of 2020

03.06.2024