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Criminal Original Petition No.3223 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.3223 of 2024

Kannan

S/o.Kaliamoorthy

...Petitioner

Vs

State represented by

The Inspector of Police,

Manalmedu Police Station,

Mayiladuthurai District.

Crime No.130 of 2019

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to modify the condition i.e. "(c) After assigning the case property number, the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) as fixed deposit in the name of the petitioner in any nationalized bank and to submit the fixed deposit receipt produce before the learned Judicial Magistrate I, Mayiladuthurai and after disposal of the case to receive the FDR imposed in CrI.M.P.No.2302 of 2023 passed by learned District and Sessions Judge, Mayiladuthurai.



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For Petitioner : Mr.U.Kathiravan
For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This petition has been filed aggrieved by one of the condition imposed by the Court below while allowing the petition filed by the petitioner seeking for return of vehicle u/s.457 Cr.P.C.

2. Heard Mr.U.Kathiravan, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for respondent.

3. The respondent police, in the course of investigation in Crime No.130 of 2019 seized the vehicle belonging to the petitioner. In this case, the petitioner has been arrayed as an accused. The petitioner filed an application seeking for return of the vehicle. The Court below allowed the application by imposing certain conditions. The petitioner is aggrieved by the condition (c) imposed and for proper appreciation, the same is extracted



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hereunder:
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"(c) After assigning the case property number, the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh Only) as fixed deposit in the name of the petitioner in any nationalized bank and to submit the fixed deposit receipt produce before the learned Judicial Magistrate No.1, Mayiladuthurai and after disposal of the case to receive the FDR."

4. Taking into consideration the facts and circumstances of the case, the condition (c) (extracted above) imposed by learned District and Sessions Judge, Mayiladuthurai, in CrI.M.P.No.2302 of 2023, dated 04.12.2023, is hereby set aside. All other conditions imposed by the Court below shall remain unaltered.

Accordingly, this Criminal Original Petition is disposed of.

15.02.2024

Note to office: Issue order copy by 16.02.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
gm

N.ANAND VENKATESH, J



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gm

To

- 1.The District and Sessions Judge,
Mayiladuthurai.
- 2.The Judicial Magistrate I,
Mayiladuthurai.
- 3.The Inspector of Police,
Manalmedu Police Station,
Mayiladuthurai District.
Crime No.130 of 2019
- 4.The Public Prosecutor,
High Court, Madras.

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