



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2024

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THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.4894 of 2024

Mathivanan

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Poraiyar Police Station,
Mayiladuthurai District.
(Crime No.72 of 2022)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to modify the condition No.(c) imposed on the petitioner by the Learned District and Sessions Judge, Mayiladuthurai in Crl.M.P.No.1341 of 2023 vide order dated 26.09.2023 that the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakhs Only) as fixed deposit in the name of the petitioner in any nationalized bank and to submit the fixed deposit receipt before the Learned District Munsif Cum Judicial Magistrate, Tharangambadi and after disposal of the case to receive the FDR.

For Petitioner : Mr.M.Vijaya Ragavan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)



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ORDER

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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. 451 & 457 Cr.P.C.

2. Heard Mr.M.Vijaya Ragavan, learned counsel for petitioner and Mr.A.Gopinath, learned Government Advocate appearing for respondent.

3. The respondent police, in the course of investigation in Crime No.33 of 2021 seized the vehicle belonging to the petitioner. 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 condition (c) imposed and for proper appreciation, the same is extracted hereunder:

"(c) After assigning 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 District Munsif cum Judicial Magistrate, Tharangambadi and after disposal of the case to receive the FDR"



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4. Taking into consideration the facts and circumstances of the case and on considering the grievance expressed by the petitioner, the condition (c) (extracted above) imposed by learned District and Sessions Judge, Mayiladuthurai, in C.M.P.No.1341 of 2023 dated 26.09.2023, is modified to the effect that the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) as fixed deposit in the name of the petitioner in any nationalized Bank and to submit the fixed deposit receipt produce before the District Munsif cum Judicial Magistrate, Tharangambadi and after disposal of the case to receive the FDR. All other conditions imposed by the Court below shall remain unaltered.

Accordingly, this Criminal Original Petition is disposed of.

01.03.2024

Index: Yes/No
Internet: Yes/No
ssr

To

- 1.The District and Sessions Judge, Mayiladuthurai.
- 2.The District Munsif Cum Judicial Magistrate, Tharangambadi.
- 3.The Inspector of Police,
Poraiyar Police Station,
Mayiladuthurai District.



N.ANAND VENKATESH,J.

SSR

4.The Public Prosecutor,
High Court of Madras,
Chennai.

CrI.O.P.No.4894 of 2024

01.03.2024