



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2024

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THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.5977 of 2024

Asaithambi

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Anaikaranchathiram Police Station,
Mayiladuthurai District.
(Crime No.305 of 2023)

... 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.MP.1845 of 2023 vide order dated 18.10.2023 that 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 that fixed deposit receipt produce before the learned Judicial Magistrate, Sirkazhi and after disposal of the case to receive the FDR.

For Petitioner : Ms.S.Rithika

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor



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 Ms.S.Rithika, 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.328 of 2023 seized the vehicle belonging to the petitioner. In this case, the petitioner has not 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 hereunder:

"(c) 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, Sirkali 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.1845 of 2023, dated 18.10.2023, is hereby set aside. All other conditions imposed by the Court below shall remain unaltered.

5. It is brought to the notice of this Court that the petitioner had taken a fixed deposit for a sum of Rs.1,00,000/-. In view of setting aside the above condition, the deposit receipt can be handed over to the petitioner to enable the petitioner to take back the amount.

Accordingly, this Criminal Original Petition is disposed of.

12.03.2024

Index: Yes/No
Internet: Yes/No
ssr

To

- 1.The District and Sessions Judge, Mayiladuthurai.
- 2.The Judicial Magistrate, Sirkazhi.
- 3.The Inspector of Police,
Anaikaranchathiram Police Station, Mayiladuthurai District.
- 4.The Public Prosecutor,
High Court of Madras, Chennai.



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N.ANAND VENKATESH,J.

SSR

CrI.O.P.No.5977 of 2024

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