



Crl.O.P.(MD) No. 2320 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2025

CORAM

THE HONOURABLE MR.JUSTICE P.DHANABAL

Crl.O.P(MD)No.2320 of 2025

Sukumara Pillai

... Petitioner

Vs

The State of Tamil Nadu,
Represented by the Inspector of Police,
Kottar Police Station,
Kanyakumari District.
(Crime No.168 of 2023)

...Respondent

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code and Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), to call for the records in Crl.M.P.No.3193 of 2024 dated 27.08.2024 on the file of the Vacation Sessions Court, Kanyakumari and set aside the same, and consequently, relax the conditions imposed by the learned Principal Sessions Judge, Kanyakumari in Crl.M.P.No.4020 of 2023 dated 05.09.2023.

For Petitioner : Mr.Shaazim Shagar

For Respondent : Mr.R.M.Anbunithi

Additional Public Prosecutor (Crl. Side)

ORDER

This criminal original petition is filed by the petitioner challenging



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the order passed by the learned Principal Session Judge, Kanyakumar District dated 27.08.2024. The petitioner has filed the petition to relax the condition imposed by the Session Court in Crl.M.P.No.4020 of 2023 dated 05.09.2023 and the same was dismissed by the learned Principal Sessions Judge.

2. The learned counsel appearing for the petitioner would submit that the respondent police has registered a case against the petitioner as if the vehicle involved in the case of sand theft and F.I.R has been registered in Crime No.168 of 2023 for the offences under Section 379 IPC and 21(1) of Mines and Minerals (Development & Regulation) Act, 1957. Thereafter, the petitioner filed a petition for interim custody of the vehicle in Crl.M.P.No.4020 of 2023 and the same was considered and the vehicle was handed over to the petitioner with some conditions. One of the condition is that the petitioner shall produce the vehicle before the Judicial Magistrate No.II, Nagercoil on the first working day of every month, until further orders. The petitioner has been complying with the conditions by producing the vehicle without fail for the past seventeen months. Therefore, he filed a petition to relax the condition before the learned Principal Sessions Judge and the same was dismissed. Hence, he



filed this petition.

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3. The learned Additional Public Prosecutor (Criminal Side) appearing for the respondent would submit that the investigation in this case is still pending and if the condition is relaxed, the petitioner will commit the same offence and he will not produce the vehicle at the time of trial. Therefore, the learned Principal Sessions Judge has rightly dismissed the petition. Hence, this petition is liable to be dismissed.

4. Heard both sides and perused the materials available on record.

5. It is an admitted fact that the F.I.R has been registered in Crime No.168 of 2023 for the offences under Section 379 of IPC and 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 by implicating the vehicle and thereafter, an interim custody was also entrusted with the petitioner through the order passed by the learned Principal Sessions Judge in Crl.M.P.No.4020 of 2023 dated 05.09.2023. As per the order of the learned Principal Sessions Judge, Kanyakumari, the petitioner also produced the vehicle before the Judicial Magistrate No.II, Nagercoil on the first working day of every English calendar month



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from October, 2023 till date. The petitioner belongs to Kollam District, Kerala and he is facing inconvenience to travel more than 320 kms up and down to comply with the condition and he has been complying with the condition for the past seventeen months. Therefore, he prayed to relax the condition. Though F.I.R. has been registered in the year 2023, but so far, the investigating officer has not completed the investigation. The petitioner has already executed bond for the production of vehicle before the learned Magistrate and the petitioner has also complying with the condition without fail for the past seventeen months. Considering the above said submissions and accepting the reasons stated by the petitioner, this Court is of the view that it is appropriate to modify the condition to the effect that the petitioner has to produce the vehicle before the learned Judicial Magistrate No.II, Nagercoil on every first working day of English Calender month once in three months till completion of the investigation.

6. Accordingly, this Criminal Original Petition is ordered. No costs.

06.02.2025

Internet :Yes
Index :Yes/No
NCC: Yes / No
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To

1. The Vacation Sessions Court, Kanyakumari
2. The Judicial Magistrate No.II, Nagercoil
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL, J.

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