

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2015

CORAM

THE HON'BLE MR.JUSTICE S. MANIKUMAR

Criminal Revision Petition No.150 of 2015

M.Abdul Kader

.. Petitioner / Defacto Complainant

Vs.

The Inspector of Police,  
Udumalpet (Crime) Police Station.  
(in Crime No.576 of 2014)

.. Respondent / Respondent

Prayer:- Petition filed under Section 397 r/w. 401 of Cr.P.C, praying to set aside the order dated 25.09.2014, made in C.M.P.No.6529 of 2014, on the file of the learned Judicial Magistrate No.1, Udumalpet.

For Petitioner : Mr.J.Franklin

For Respondent : Mr.P.Govindarajan,  
Addl. Public Prosecutor

O R D E R

Material on record discloses that the petitioner, working as Assistant Manager, Indian Steel Company, Salem, is stated to have entrusted with the work of collecting cash from the customers of the company, to whom, credit was offered. In the course of his duty, he had collected a sum of Rs.19,27,710/-, from customers and alighted a State Transport Corporation bus, bearing Registration No.TN 33 N 2083. When the bus was stopped at Mukkonam bus stop, two unknown persons got into the bus and they travelled with the petitioner to a certain distance. Around 7.30 P.M., suddenly they brandished with an aruval and forcibly took away the said sum. On his complaint, Cr.No.576 of 2014, has been registered by the Inspector of Police (Crime), Udumalpet, under Section 397 IPC. Subsequently, the Police informed him that some of the accused were arrested and that a sum of Rs.3,50,150/- has been recovered. Seeking return of the same, the petitioner filed Crl.M.P.No.6529 of 2014, has been filed under Section 451 Cr.P.C. The Police made an endorsement, stating "no objection". While ordering interim custody of the abovesaid cash to

the petitioner, in CrI.M.P.No.6529 of 2014, dated 25.09.2014, the learned Judicial Magistrate, No.1, Udumalpet, imposed the following conditions,

(1) The petitioner and another person shall execute a surety bond for a sum of Rs.7,00,000/-.

(2) The case property shall not be sold, altered or be subjected to encumbrance.

(3) The photographs of the case property shall be taken and the signatures of the petitioner, counsel for the petitioner and the Investigating Officer in the case shall be obtained in it, and a C.D., or negative shall be submitted.

(4) The case property shall be produced as and when called for by the Court and at the time of hearing.

2. Condition Nos.1 and 3 are stated to have been complied with by the petitioner. Condition No.2, directing the petitioner, not to sell, alter or encumber the subject property, is untenable, for the reason that cash cannot be sold, altered or be subjected to encumbrance. Condition No.4 is also untenable, for the reason that cash cannot be kept idle or unutilized, more particularly, when the learned Judicial Magistrate, No.1, Udumalpet, has already directed the petitioner to produce photo copies of the case property, along with the signatures of the petitioner, learned counsel for the petitioner and also the Investigating Officer in the case. Direction has also been issued to submit a C.D., or negative, in this regard.

3. As rightly contended by the learned counsel for the petitioner, Condition No.2 ordered in CrI.M.P.No.6529 of 2014, dated 25.09.2014, is wholly untenable. Mechanically, the above condition has been imposed. Condition No.4 is modified to the extent that a cash amount of Rs.3,50,150/-, would be deposited, depending upon the outcome of trial.

4. With the above directions, the present Criminal Revision Case is disposed of. No costs.

skm

Sd/-  
Deputy Registrar (Judicial)

/true copy/

Sub Asst. Registrar

To

1. The Judicial Magistrate No.1,  
Udumalpet.

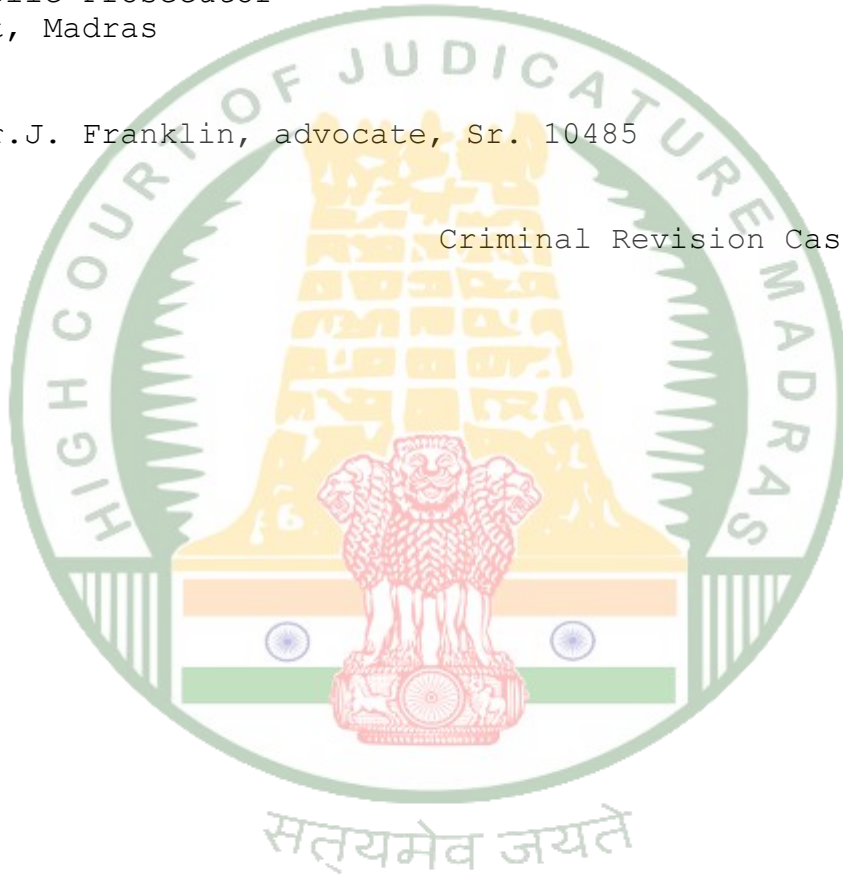
2. The Inspector of Police,  
Udumalpet (Crime) Police Station.  
(Crime No.576 of 2014)

3. The Public Prosecutor  
High Court, Madras

1 cc to Mr.J. Franklin, advocate, Sr. 10485

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GR (CO)  
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