



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2015

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

Cr1.R.C.(MD)No.126 of 2015

Esakkipandi .. Petitioner/Accused No.2
Vs.

State, rep. by The Inspector of Police,
Mukkudal Police Station,
Tirunelveli District.
(Crime No.120 of 2014) .. Respondent/Complainant

Prayer: Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C., to call for the records of the learned District Munsif-cum-Judicial Magistrate, Cheranmahadevi in Cr.M.P.No.116 of 2015, dated 03.02.2015 and set aside the same.

For Petitioner : Mr.S.R.A.Ramachandran
For Respondent : Mr.C.Ramesh,
Additional Public Prosecutor

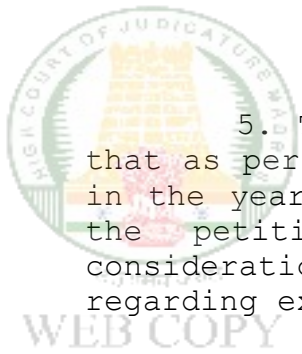
ORDER

By consent, the Criminal Revision itself is taken up for final disposal.

2. The petitioner is the owner of Tata Tipper Lorry bearing Registration No.TN69P 7560 and it was involved in the commission of the alleged offences under Sections 294(b), 323, 307, 506(ii) and 379 of I.P.C in Crime No.120 of 2014 registered by the respondent police.

3. The case of the prosecution is that on a routine check-up, the above said vehicle was stopped and at that time, the driver of the lorry namely Rajaram got out of the lorry armed with an aruval and threatened to kill one of the police personnel and the said lorry was found to carry river sand without any proper licence or permit.

4.The petitioner filed Cr.M.P.No.116 of 2015 under Section 451 Cr.P.C seeking interim custody of the said vehicle stating among other things that without permission or knowledge, the alleged transportation took place and he is not arrayed as an accused and since the vehicle is parked in the open space subject to vagaries of weather, prays for release of the vehicle by way of interim custody. The Court of District Munsif-cum-Judicial Magistrate, Cheranmahadevi, vide impugned order dated 03.02.2015, had ordered release of vehicle by way of interim custody on certain conditions and one of the conditions is that the petitioner shall execute a bond for a sum of Rs.5,00,000/- with one surety for the like sum to the satisfaction of the said Court. The petitioner/owner of the vehicle aggrieved by the said condition has filed this revision.



5. The learned counsel appearing for the petitioner would submit that as per the certificate of registration, the vehicle was manufactured in the year 2009 and is already six years old and it is mainly used by the petitioner for his agricultural operation and taking into consideration the age of the vehicle, imposition of the condition regarding execution of bond may be reduced.

6. Per contra, the learned Additional Public Prosecutor has drawn the attention of this Court to the xerox copy of the insurance certificate and would submit that admittedly the vehicle is not a very old one and taking into consideration of the said fact, the trial Court has rightly imposed the said condition.

7. This Court after hearing the rival submissions and upon perusal of the materials placed before it in the form of typed set of documents, is of the view that execution of a bond for a sum of Rs.5,00,000/- with one surety for the like sum is to be reduced.

8. In the result, this Criminal Revision is partly allowed and imposition of condition made in Cr.M.P.No.116 of 2015 to execute a bond for a sum of Rs.5,00,000/- with one surety, is reduced to a sum of Rs.3,00,000/- with one surety and the remaining conditions imposed by the trial Court do not require modification.

Sd/-

Assistant Registrar (AE)

/True copy/

Sub Assistant Registrar

To

1.The District Munsif-cum-
Judicial Magistrate, Cheranmahadevi

2.The Inspector of Police,
Mukkudal Police Station, Tirunelveli District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to MR.S.R.A.RAMACHANDRAN, ADVOCATE IN SR : 14357

Pm

SR : 08.04.2015 : 2p/5c

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24.03.2015