

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.07.2016

Coram

THE HONOURABLE MR. JUSTICE G.CHOCKALINGAM

Crl.R.C.No.967 of 2016

Maslyne

.. Petitioner

Vs.

The State rep by
Inspector of Police, Central Crime Branch
Office of the Commissioner of Police,
Vepery, Chennai-7.
(Cr.No.37/2016)

.. Respondent

Prayer :- Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C. to set aside the order dated 30.05.2016 made in C.M.P.No.3481 of 2016 in Crime No.37/2016 on the file of the Judicial Magistrate No.I, Poonamallee.

For Petitioner : Mr.Christopher Vijay

For Respondent : Mr.V.Arul, GA (Crl. Side)

ORDER

The criminal revision petition is directed against the order passed by the learned Judicial Magistrate No.I, Poonamallee made in CMP.No.3481 of 2016 dated 30.05.2016, to set aside the condition imposed by the trial Court.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) and perused the records.

3.The learned counsel for the petitioner contend that the petitioner is the owner of the Honda Car bearing registration No. TN 10 AB 2940, filed petition for interim custody. After sending notice to both parties and after hearing the learned Judicial Magistrate passed the following conditional order :-

1. Petitioner shall execute a bond for Rs.7,00,000/- together with one surety for like sum.
2. Petitioner shall not alter, modify or alienate the case property and produce it as and when directed.

3. Petitioner shall produce the photo with negative/CD duly attested by the petitioner.
4. The petitioner shall surrender the case property before this Court in the event of any rival claim arisen in the future.
5. The petitioner is directed to produce the vehicle on the first working day of every month.

4. The learned counsel for the petitioner contended that the learned Judicial Magistrate directed the petitioner to execute a bond for Rs.7,00,000/- together with one surety for like sum, directed not to alter, modify or alienate the case property and produce it as and when directed and petitioner shall produce the photo with negative/CD duly attested by the petitioner. It is admitted that the petitioner insured the Honda car bearing registration No.TN10 AB 2940 with the National Insurance Company and the copy of the policy was produced before this Court, for perusal. In the insurance policy the value of the car was fixed at Rs.5,14,200/- for the period from 14.06.2014 to 13.06.2015. The vehicle was valued for Rs.5,14,200/- during the year 2014, but the learned Judicial Magistrate directed the petitioner to execute a bond for Rs.7,00,000/- which has to be reduced accordingly.

5. This Court is of the considered view, the condition imposed by the learned Judicial Magistrate No.I, Poonamallee on 30.05.2016 in CMP.No.3481 of 2016 to execute a bond for Rs.7,00,000/- together with one surety for like sum is modified to Rs.5,00,000/- together with one surety for like sum and the other conditions imposed by the trial Court remains unaltered.

6. With the above observation, the criminal revision is disposed of.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1. The Judicial Magistrate No.I,
Poonamallee.

2.The Inspector of Police,
Central Crime Branch,
O/o the Commissioner of Police,
Vepery, Chennai.

3.The Public Prosecutor,
High Court, Madras.

+1cc to M/S.Christopher Vijay, Advocate sr.42388

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rp[col]
srg 22/08/2016



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