



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Eighteenth day of February Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice V.S.RAVI

WEB COPY

CRL MP(MD) No.1267 of 2016

IN

CRL RC(MD) No.607 of 2013

M.RAMESH

... PETITIONER/ PETITIONER

Vs

1 STEPHEN
2 CELESTIN
3 A.STANLEY
4 VINAY SURANA

5 THE SUB-INSPECTOR OF POLICE
KARUNGAL POLICE STATION,
KANYAKUMARI DISTRICT.
CR. NO.59/2013

... RESPONDENTS

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to modify the 1st condition(a) in the order made in Crl.R.C(MD). No.607 of 2013 dated 17.4.2014.

PRAYER IN CRL RC(MD)NO.607 of 2013:

Criminal Revision filed under section 397 r/w 401 Criminal produce code praying to call for the records relating to the impugned order dated 01.04.2013 made Crl MP No.1296/2012 in R.P.No.20/2013 on the file of the Principal District Munsif cum Judicial Magistrate, Eraniel and sat aside the same and allow the revision case and thus render justice.

Order : This Miscellaneous petition coming on for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S R.RUSSEL RAJ, Advocate for the petitioner and of MR.P.KANDASAMY, Government Advocate (Criminal Side) on behalf of the Respondents No.5, the court made the following order:-

This is an application filed by the petitioner to modify the first condition (a) in the order made in Crl.RC(MD)No.607 of 2013 dated 17.04.2014.

2.The petitioner himself has admitted in this petition that on 17.04.2014 itself, this Court in Crl.RC(MD)No.418 and 607 of 2013, after elaborately considering the details of the case, has passed conditional order particularly, at paragraph 14 as follows:-



14. In the result, Vinay Surana's CrI.R.C.(MD)No.418 of 2013 is dismissed. CrI.R.C.(MD)No.607 of 2013 filed by M.Ramesh in which Vinay Surana, Stephen and Stanly are impleaded as respondents is allowed on the following conditions:

(a) that M.Ramesh shall deposit a sum of Rs.1,00,000/- to the credit of R.P.No.20 of 2013 in Crime No.59 of 2013 before the Principal District Munsif-cum-Judicial Magistrate, Eraniel within two weeks from the date of receipt of a copy of this order;

(b) on such deposit, A.Stanly, the wife of Late Mohanraj will be entitled to withdraw the amount from the Court of Principal District Munsif-cum-Judicial Magistrate, Eraniel;

(c) Vinay Surana is directed to deposit the R.C. Book of the subject vehicle with the Principal District Munsif-cum-Judicial Magistrate, Eraniel, within two weeks from the date or receipt of a notice issued by the Magistrate and the learned Principal District Munsif-cum-Judicial Magistrate, shall issue appropriate notice to Vinay Surana for depositing R.C. Book in the court so that he does not create further charge on the subject vehicle;

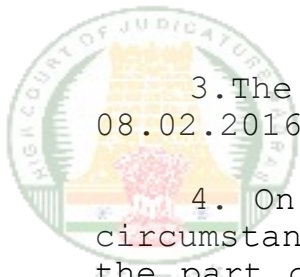
(d) M.Ramesh shall give a bond for Rs.50,000/- with two sureties each for the likesum to the satisfaction of the Principal District Munsif-cum-Judicial Magistrate, Eraniel;

(e) M.Ramesh shall take photographs of the vehicle and submit the same to the learned Principal District Munsif-cum-Judicial Magistrate, Eraniel;

(f) M.Ramesh shall not in any way alienate the subject vehicle or alter its features pending disposal of the case and shall produce the same as and when required by the learned Magistrate; and

(g) On M.Ramesh complying with condition (a), (d) and (e) the learned Magistrate is directed to return the subject vehicle to him.

(h) at the conclusion of the case, the Trial Court may pass appropriate orders under Section 452 Cr.P.C.



3.The petitioner has filed the present petition only on 08.02.2016 for modification of the said order, dated 17.04.2014.

4. On a careful consideration of the above mentioned facts and circumstances, it is crystal clear that there is no bona fide on the part of the petitioner to file this petition at this stage and it is also found that it is not maintainable either on law or on facts. Hence, this petition is dismissed.

Sd/-

Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar
Madurai Bench of Madras High Court,
Madurai.

TO

1 THE SUB-INSPECTOR OF POLICE

KARUNGAL POLICE STATION, KANYAKUMARI DISTRICT.

2 THE ADDITIONAL PUBLIC PROSECUTOR,

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

RG.SK-SKN/AR-I

24.02.2016

3P/3C

ORDER DATE:18.02.2016

ORDER

CRL MP(MD) No.1267 of 2016
IN

CRL RC(MD) No.607 of 2013
Date :18/02/2016

Dismissing this MP as not
maintainable etc., as stated within.