



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.06.2016

CORAM:

THE HONOURABLE DR.JUSTICE P.DEVADASS

C.R.L.RC(MD) No.355 of 2016

Sagunthala

... Petitioner / Petitioner

-vs-

The Inspector of Police,
T.Kallupatty Police Station,
Madurai District.
In Crime No.180/2015

... Respondent / Respondent

PRAYER: Criminal Revision Petition is filed, under Section 397 r/w 401 Cr.P.C., to call for the records and order in so far as conditions No.1 & 4 imposed in CrI.M.P.No.4273 of 2015 in Crime No.18 of 2015 on the file of District Munsif cum Judicial Magistrate, Peraiyur dated 02.12.2015.

For Petitioner: Mr.S.J.Chakkaravarthy

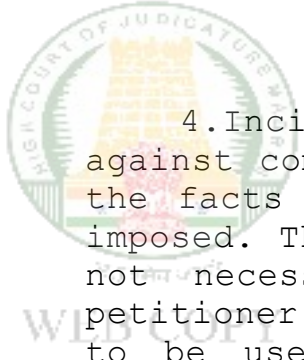
For Respondent: Mrs.S.Prabha
Govt. Advocate (CrI.Side)

O R D E R

Aggrieved by certain alleged onerous condition issued in the property return order passed by the learned Judicial Magistrate, Peraiyur, Madurai District in CrI.M.P.No.4273 of 2015, petitioner has directed this revision.

2.In this case a mother-in-law named her son-in-law as accused. Mother-in-law alleged that her son-in-law is a cheat and in this connection a certain items of jewel and cash Rs.1,00,000/- has become case-property. A property return petition was filed in CrI.M.P.No.4729 of 2015 by the son-in-law. There was a rival claim from the mother-in-law/defacto complainant in CrI.M.P.No.4273 of 2015. In a common order, the Magistrate accepted the request of mother-in-law and dismissed of the son-in-law's petition. The learned Magistrate while ordering interim custody imposed certain conditions.

3. The grievance of the revision petitioner is that the learned Magistrate insisted upon producing solvency certificate issued by a Thasildar.



4. Incidentally, I could see one more condition which is against common sense. It is with regard to cash Rs.1,00,000/-. In the facts and circumstances, sufficient conditions has also been imposed. The production of solvency certificate is superfluous and not necessary. The learned Judge has directed the revision petitioner to keep the cash as it is. It is a money. It requires to be used. It needs to be spent. Question of identity of currency notes will not arise. Of course, the currency number is to be recorded in the property register, if not already recorded.

5. In the result, ordered as under:

(1) This revision is allowed.

(2) The condition to produce solvency certificate issued by a Thasildar is deleted.

(3) The currency note numbers of cash Rs.1,00,000/- shall be entered in the property register

(4) The cash shall be entrusted to the revision petitioner, who can spent it.

(5) She has to execute a personal bond for Rs.1,00,000/- which will be in the nature of indemnification affidavit.

Sd/-

Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar

To:

1. The Judicial Magistrate,
Peraiyur.

2. The Government Advocate (Criminal Side)
Madurai Bench of Madras High Court,
Madurai.

3. The Inspector of Police,
T.Kallupatty Police Station,
Madurai District.

+1cc to Mr.S.J.Chakkaravarthy, Advocate Sr.No.29387

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