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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2016

CORAM

THE HONOURABLE MR.JUSTICE B.GOKULDAS

CRL.R.C. (MD) No.663 of 2016

Arjunan

.. Petitioner/Petitioner

Vs.

State rep. by
The Inspector of Police,
Pappakudi Police Station,
Tirunelveli District.
(Crime No.135 of 2016)

.. Respondent/Respondent

Prayer: Petition is filed under Section 397 r/w 401 of Cr.P.C., to call for the records pertaining to the order passed by the Judicial Magistrate, Seranmagadevi, Tirunelveli in Cr.M.P.No.4244 of 2016, dated 16.09.2016 and to set aside the condition No.2 and 3 stipulated in the said order.

For Petitioner : Mr.K.Sivabalan
For Respondent : Mr.P.Kandasamy
Government Advocate(Crl. Side)

ORDER

The learned counsel for the petitioner and the learned Government Advocate(Criminal Side) for the respondent are present.

2. Mr.P.Kandasamy, learned Government Advocate (Criminal side) accepts notice for the respondent. By consent, the main revision itself is taken up for final disposal at the time of admission.

3. The case of the prosecution is that the petitioner along with the other accused transported the sand worth about



Rs.600/- illegally, in Swarj Tractor bearing Registration No.TN 76-M-9783 along with compartment bearing Registration No.TN 76-M-9788 and hence, a case was registered in Crime No.135 of 2016 for the offence under Section 379 I.P.C.

4. After the incident, immediately the respondent police seized the said vehicle. Hence, the petitioner filed the petition seeking permission to return his vehicle, before the Judicial Magistrate Court, Cheranmaadevi, Tirunelveli and the same was allowed on 16.09.2016 with some conditions. The Trial Court ordered the petitioner to deposit a sum of Rs.30,000. Aggrieved over the same, the petitioner has filed the present petition.

5. The learned counsel for the petitioner submitted that the Trial Court ordered the petitioner to deposit Rs.30,000/- and also directed the petitioner to execute a personal bond for a sum of Rs.3,00,000/-with one surety for a like sum to the satisfaction of the Trial Court, which is being a high sum, while considering the prayer.

6. Per contra, the learned counsel for the respondent submitted that the Trial Court rightly allowed the petition.

7. Considering the above facts and circumstances, the cash deposit ordered by the Tribunal is modified and the petitioner is directed to deposit Rs.20,000/- (Rupees Twenty Thousand only) to the credit of Cr.M.P.No.4244 of 2016 on the file of the Judicial Magistrate Court, Cheranmaadevi, Tirunelveli and in all other respects, the order passed by the Trial Court is confirmed.

8. With the above directions, the Criminal Revision petition is disposed of.

Sd/-
Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar



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To
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- 1 The Judicial Magistrate, Seranmagadevi,
Tirunelveli.
- 2 The Inspector of Police, Pappakudi Police Station,
Tirunelveli District.
- 3 The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC to Mr.K.Sivabalan, Advocate Sr.No.55733

GJM/CK/SAR-I-30.9.16-3p-5C

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