



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2016

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE A.M.BASHEER AHAMED

Cr1.RC(MD)No.815 of 2016

Sivasankaran

: Petitioner

Vs.

State Rep. By
The Sub-Inspector of Police,
M.Kallupatti Police Station,
Madurai District
(Crime No.92 of 2016)

: Respondent

Prayer: Revision is filed under Section 397 r/w 401 of Cr.P.C., praying to call for the records pertaining to the order passed in Cr.M.P.No.5884 of 2016, on the file of the Judicial Magistrate Court No.2, Usilampatti, dated 26.09.2016 and modify the same, as far as the Condition No.1 is concerned in the interest of justice.

For Petitioners	: Mr.T.Selvan
For Respondent	: Mr.P.Kandasamy
	Govt.Advocate (Cr1.side)

O R D E R

This Criminal Revision Case has been filed praying to call for the records pertaining to the order passed in Cr.M.P.No.5884 of 2016, on the file of the learned Judicial Magistrate No.2, Usilampatti, dated 26.09.2016 and modify the same, as far as the Condition No.1 is concerned.

2. Mr.T.Selvan, the learned counsel appearing for the petitioner would submit that the respondent Police seized the vehicle belongs to the petitioner viz., TATA India Car, bearing Registration No.PY-01-BP-4707, in connection with Crime No.92 of 2016. Subsequently, the petitioner's vehicle was also remanded by the respondent in R.P.R.No.222 of 2016, on 29.08.2016. Therefore, the petitioner filed a petition in Cr.M.P.No.5884 of 2016, before the learned Judicial Magistrate No.II, Usilampatti and the same was allowed with certain conditions. According to the petitioner, it is very difficult for him to arrange the Government employee, as surety and therefore, the Condition No.1, is onerous one and



hence, prays for modification of the same.

3. Mr.P.Kandasamy, the learned Government Advocate (crl.side) appearing for the respondent would submit that the trial Court has rightly imposed the conditions, for release of vehicle, however, he has not raised any objection

4. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate (crl.side) appearing for the respondent and also perused the materials available on record.

5. Considering the facts and circumstances of the case, this Court is inclined to modify the Condition. Accordingly, this Revision is allowed and the Condition No.1, imposed by the learned Judicial Magistrate No.2, Usilampatti, dated 26.09.2016, in Cr.M.P.No.5884 of 2016, is modified to the effect that "The petitioner is directed to execute a bond for a sum of Rs.4,00,000/-, along with two sureties each for a like sum, and he is also directed to give an undertaking that he will produce the Indica Car, as and when required by the Court."

Sd/-
Assistant Registrar (Crl.side)

/True copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate No.2,
Usilampatti.

2.The Chief Judicial Magistrate, Madurai.

3.The Sub Inspector of Police, M.Kallupatti Police Station,
Madurai District.

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

+1 CC to Mr.T.SELVAN, Advocate, SR No.74894

Order made in
Cr1.RC(MD)No.815 of 2016
Dated:-**01.12.2016**