

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 25.04.2017
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

CrI.O.P.No.8173 of 2017

Latha

.. Petitioner

Vs

State rep. by

The Inspector of Police,
Tiruppur North Police Station,
Tiruppur District.

Respondent

Petition filed under Section 482 of the Criminal Procedure Code, to modify the order passed by the Judicial Magistrate No.I, Tiruppur in CMP.No.382 of 2017 on 06.04.2017 enabling the petitioner to give two sureties each for a like sum of Rs.10,000/- with proper proof of residence like Ration card without insisting solvency certificate and house tax receipt and also Rs.1,00,000/- surety bond.

For Petitioner : Mr.S.P.Meenakshi Sundaram
For Respondent : Mr.C.Emalias,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to modify the conditions imposed on the petitioner by the learned Judicial Magistrate No.I, Tiruppur in CMP.No.382 of 2017 dated 06.04.2017.

2. The case of the petitioner is that she has filed a petition in CMP.No.382 of 2017 under Section 457 Cr.P.C seeking return of the jewels belonging to her, before the learned Judicial Magistrate No.I, Tiruppur. By order dated 06.04.2017, the said petition was allowed by the learned Magistrate, imposing certain conditions, one of which is that the petitioner shall execute a surety bond for a sum of Rs.1,00,000/- with two sureties each for a like sum and one surety must be a close relative and each surety must produce a solvency certificate issued by the concerned Tahsildar and that, they should produce ration card and house tax receipt. Aggrieved over the same, the petitioner is before this Court for modification.

3.Learned counsel for the petitioner submitted that the petitioner is unable comply with the conditions imposed by the

learned Magistrate, as she does not have any immovable property and the value of the surety bond is also very high. Therefore, learned counsel seeks to modify the said conditions.

4.Heard Mr.C.Emalias, learned Additional Public Prosecutor, who took notice for the respondent.

5.Considering the facts and circumstances of the case and taking note of the inability of the petitioner, this Court is inclined to modify the conditions with regard to surety bond and solvency certificate, imposed on the petitioner, by order dated 06.04.2017 passed by the learned Judicial Magistrate No.I, Tiruppur in CMP.No.382 of 2017 as follows:

"The petitioner shall execute a surety bond for a sum of Rs.50,000/- with two sureties each for a like sum and that, the learned Magistrate shall not insist for insolvency certificate from the petitioner and her sureties."

Except the above, other conditions remain unaltered.

6.The Criminal Original Petition is disposed of accordingly.

-s/d-
Assistant Registrar (CSII)

True Copy

Sub-Assistant Registrar

rk

To

1.The Judicial Magistrate NO.I
Tiruppur

2.The Inspector of Police,
Tiruppur North Police Station,
Tiruppur District.

3.The Public Prosecutor,
Madras High Court,
Chennai-600 104.

+1 cc to Mr.S.P.Meenakshisundaram Advocate sr 24715

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