



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2017

CORAM

THE HON'BLE MR.JUSTICE B.GOKULDAS

Crl.R.C (MD) .No.160 of 2017

WEB COPY

P.Arumugam

... Petitioner/Petitioner

-Vs-

The State rep. by
The Inspector of Police,
Veeravanallur Police Station,
Tirunelveli District.
(Crime No.202 of 2016)

... Respondent/Respondent

Prayer : Criminal Revision Case filed under Section 397 r/w 401 of the Code of Criminal Procedure, against the order dated 05.01.2017 passed by the District Munsif cum Judicial Magistrate, Cheranmahadevi in Cr.M.P.No.05 of 2017.

For Petitioner : Mr.T.Leninkumar

For Respondent : Mrs.S.Prabha
Government Advocate (Crl. Side)

O R D E R

The learned counsel for the petitioner and the learned Government Advocate (Crl. Side) are present and heard.

2.This Criminal Revision case is filed as against the order passed by the learned District Munsif cum Judicial Magistrate, Cheranmahadevi, made in Cr.M.P.No.05 of 2017, dated 05.01.2017.

3.During the time of hearing, the learned counsel for the petitioner submitted that the third condition which was imposed by the trial Court for return of the vehicle by depositing a sum of Rs.50,000/- is onerous and the same to be modified.

4.Since the petitioner himself executed a bond for a sum of Rs.6,00,000/- with two sureties for a like sum each to the satisfaction of the trial court, the learned Government Advocate (Crl.Side) also left the matter to the discretion of this Court to decide the same.

5.In view of the above submissions and considering the facts and circumstances of the case, I am of the view that the third condition imposed by the learned District Munsif cum Judicial Magistrate, Cheranmahadevi in the order passed in Cr.M.P.No.05 of 2017, dated 05.01.2017 is onerous and the same has to be modified.



Accordingly, the last line in condition No.iii, to the effect "Hence, the petitioner shall deposit a sum of Rs.50,000/- into the Court" is deleted.

6. With the above modification, this Criminal Revision Case is disposed of.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The District Munsif cum Judicial Magistrate,
Cheranmahadevi

2. The Inspector of Police,
Veeravanallur Police Station,
Tirunelveli District.

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

+1cc to Mr. T. Leninkumar, Advocate, SR No. 9811

Cr1.R.C(MD) No.160 of 2017

22.02.2017

ms/rsk/sar3/27.2.2017/2p.5c