



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2017

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THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Cr1.R.C(MD).No.690 of 2017

M.Raghukumar

... Petitioner/Defacto Complainant

-Vs-

State through Sub-Inspector of Police,
Sipcot Police Station,
Tuticorin,
(Cr.No.287 of 2012)

... Respondent/Complainant

Prayer : Criminal Revision Case filed under Section 397 r/w 401 of the Code of Criminal Procedure, to call for the records of the learned Judicial Magistrate No.III, Tuticorin in Cr.M.P.No.670 of 2017, dated 29.06.2017 and set aside the same.

For Petitioner

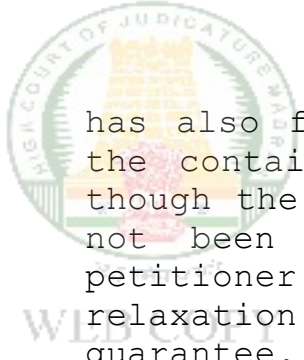
: Mr.S.R.A.Ramachandhran
Mr.K.S.Durai Pandian
Addl. Public Prosecutor

O R D E R

Challenging the order dismissing the petition filed by the petitioner under Sections 451 , 457(1) and 457(2) Cr.P.C, the present Criminal Revision Case has been filed.

2.The case of the petitioner in brief is as follows:

The petitioner is defacto complainant in Cr.No.287 of 2012 on the file of the Sipcot Police Station, Tuticorin. Earlier, he has given a complaint on the ground that while working as Supervisor in his Company's Empty Container ward, the accused has stolen the containers belongs to the petitioner. Subsequently, the accused was arrested and the container was seized by the Police. Then, the petitioner filed a petition for return of the containers before the learned Judicial Magistrate, No.I, Tuticorin. The learned Judicial Magistrate, No.I Tuticorin, by an order dated 12th April 2013, allowed the petition for releasing the containers with a condition to furnish a bank guarantee for a sum of Rs.4,00,000/- being the value of the containers and the petitioner should renew the same within the time stipulated by the Bank till the disposal of the case without fail. The petitioner



has also furnished Bank guarantee for a sum of Rs.4,00,000/- and the container also released. According to the petitioner, even though the crime was registered in the year 2012, final report has not been filed for a period of 3 years. Thereafter, the petitioner filed a petition in CrI.M.P.No.670 of 2017, seeking relaxation of the condition regarding the furnishing of bank guarantee. The Court below dismissed the same. Challenging the same, the present criminal revision case has been filed.

3.I have heard Mr.S.R.A.Ramachandhran, learned counsel appearing for the petitioner, Mr.K.S.Duraipandian, learned Additional Public Prosecutor, appearing for the respondent and perused the records carefully.

4.The learned counsel appearing for the petitioner submitted that pursuant to the earlier order passed by the court below, the petitioner has already furnished a bank guarantee for a sum of Rs.4,00,000/- and for the past three years, the bank guarantee has been renewed. Even though the crime was registered in the year 2012, sofar, investigation has not been properly conducted and final report also not filed. So, the petitioner is made to keep the bank guarantee indefinitely. Therefore, he submits that the petitioner is ready to furnish an immovable property security, in stead of bank guarantee.

5.Per contra, the learned Additional Public Prosecutor, appearing for the respondent submitted that now, in Cr.No.287 of 2012, investigation was already over and the respondent police has also filed a final report in the year 2014 itself. Sofar, the court below has not taken cognizance of the offence and he has opposed to modify the condition.

6.I have considered the rival submissions and carefully gone through the materials available on record.

7.Considering the fact that the petitioner has already furnished a bank guarantee for a sum of Rs.4,00,000/- in the year 2013 itself and he is keeping the bank guarantee for the past three years and even though the final report alleged to have been filed in the year 2014, sofar, it was not taken cognizance and also considering the facts and circumstances of the case, I am inclined to modify the condition, passed by the court below in CrI.M.P.No.670 of 2017, dated, 29.06.2017 as follows:

"In stead of furnishing of bank guarantee for the sum of Rs.4,00,000/-, the petitioner is directed to produce an immovable property security for a sum of Rs.4,00,000/-."



8. In the result, this Criminal Revision Case is disposed of.

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/True copy/

Sd/-

Assistant Registrar (Crl side)

Sub Assistant Registrar

To

1. The Judicial Magistrate No.III,
Tuticorin .

2. -do- Through chief judicial magistrate,
Tuticorin.

3. The Sub-Inspector of Police,
Sipcot Police Station,
Tuticorin.

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

+ 1 CC TO MR.S.R.A.Ramachandhran, ADVOCATE IN SR No.75429

vs

MK/SV MMS/SAR-3/3P/5C/15.09.2017

Crl.R.C(MD) No.690 of 2017
30.08.2017