



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 05.09.2017

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CrI.R.C (MD) .No.706 of 2017

WEB COPY

Mariyam Beevi

... Petitioner

Vs.

The State rep.by
The Sub Inspector of Police,
Vadasery Police Station,
Kanyakumari District
Crime No.874 of 2015.

... Respondent

Prayer : Criminal Revision Case filed under Section 397 and 401 Cr.P.C. to call for the records and set aside the second part of the first condition imposed on the petitioner in the order passed in CrI.M.P.No.6624 of 2016 dated 23.12.2016 by the Judicial Magistrate Court, No.II, Nagercoil in Crime No.874 of 2015 on the file of the respondent.

For Petitioner : Mr.S.Sivakumar

For Respondent : Mr.C.Mayilvahana Rajendran,
Additional Public Prosecutor

O R D E R

The petitioner is the defacto complainant in Crime No.874 of 2015 for the offence under Sections 457 and 380 IPC. The above complaint has been given on the ground that the petitioner's jewels weighing 3 sovereign 4 grams have been stolen and based on her complaint, a case has been registered. Subsequently, the stolen articles were recovered by the police. Hence, the petitioner has filed an application seeking to return the above stolen property. The Court below allowed the application, but imposed conditions that the petitioner should execute a bond for a sum of Rs.45,000/- and also execute surety for the same amount. Since the petitioner is not able to get surety for the above amount, she filed this Criminal Revision Case, seeking modification.

2.I have heard Mr.S.Sivakumar, learned counsel appearing for the petitioner and Mr.C.Mayilvahana Rajendran, learned Additional Public Prosecutor appearing for the respondent and perused the records carefully.



3.The learned counsel appearing for the petitioner submitted that the petitioner is a poor lady and she is not able to get any surety and she is ready and willing to execute a bond.

4.Considering the facts and circumstances of the case, as the petitioner is not in a position to get surety as directed by the Court below, the jewels belong to her need not be kept in the custody of the Court.

5.In the above circumstances, the petitioner alone directed to execute a bond for a sum of Rs.45,000/- without any surety and on such executing bond and on complying with other conditions, the Court below is directed to return the jewels to the petitioner.

6.This Criminal Revision Case is disposed of with the above
Sd/-

Assistant Registrar(Crl side)

/True copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate No.II,
Nagercoil.

2.-do-Thro' Chief Judicial Magistrate,
Kanyakumari.

3.The Sub-Inspector of Police,
Vadasery Police Station,
Kanyakumari District.

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

+1cc to Mr.S.SIVAKUMAR,Advocate,SR.76562

Crl.R.C(MD) No.706 of 2017
05.09.2017

MJ

KK/RSK/SAR 1/15.09.2017/ 2P- 6C