



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.09.2017

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.R.C (MD) .No.727 of 2017

P.Subbulakshmi

... Petitioner/Petitioner

-Vs-

The Sub-Inspector of Police,
Thirumangalam Taluk Police Station,
Madurai District.

(Crime No.243/2016)

... Respondent/Respondent

Prayer : Criminal Revision Case filed under Section 397 & 401 of the Code of Criminal Procedure, to set aside the order passed by the Judicial Magistrate, Thirumangalam dated 26.07.2017 in Crl.M.P.No.2140 of 2017.

For Petitioner : Mr.Prabhu for
M/s.Polax Associates

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

O R D E R

Challenging the order imposing a condition, directing the petitioner to execute a bond for a sum of Rs.20,00,000/-, the present revision has been filed.

2.The petitioner is the defacto complainant in Cr.No.243 of 2016, on the file of the respondent police. The above complaint has been given on the ground that the petitioner's vehicle has been stolen. On the basis of the complaint, a crime has been registered under Section 397 I.P.C. During investigation, the vehicle was also seized. Thereafter, the petitioner filed an application seeking return of the vehicle. The learned Judicial Magistrate, Thirumangalam allowed the application, on condition that the petitioner shall execute a bond for a sum of Rs.20,00,000/-. Contending that the condition imposed by the learned Judicial Magistrate, Thirumangalam is onerous, the present revision has been filed.

3.I have heard Mr.M.Prabhu, learned counsel appearing for the petitioner and Mr.C.Mayilvahana Rajendran, learned Additional Public Prosecutor, appearing for the respondent and perused the records carefully.

<https://hcservices.ecourts.gov.in/hcservices/> The perusal of records, it is seen that the petitioner is the owner of the vehicle and the worth of the vehicle is not more than Rs.3,00,000/-. In the above



circumstances, the learned Judicial Magistrate ought not to have directed the petitioner to execute a bond for a sum of Rs.20,00,000/- and hence, the condition imposed by the learned Judicial Magistrate, Thirumangalam is onerous.

5. In view of the above, I am of the view that the first condition imposed by the learned Judicial Magistrate, Thirumangalam in the order dated 26.07.2017, in respect of directing the petitioner to execute a bond for a sum of Rs.20,00,000/- could should be modified and this Criminal Revision Case is partly allowed. Accordingly, the first condition imposed by the learned Judicial Magistrate, Thirumangalam in the order, dated 26.07.2017, in CrI.MP.No.2140 of 2017 is modified as follows:

“The petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees one lakh only) with one surety for like sum.”

The other conditions imposed by the learned Judicial Magistrate, Thirumangalam shall remain unaltered.

Sd/-
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

- 1.The Judicial Magistrate, Thirumangalam
- 2.The Sub-Inspector of Police,
Thirumangalam Taluk Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.POLEX LEGAL SOLUTIONS, Advocate SR.No. 78902

CrI.R.C(MD) No.727 of 2017
14.09.2017

vs

JM/KP/SAR 2/27.09.2017/2P/5C