



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.R.C. (MD) No.53 of 2018

Mani @ Manikili @ Manikandan

: Petitioner/Accused No.1

Vs.

The State rep by,
Inspector of Police,
Veeravanallur Police Station,
Tirunelveli District,
Crime No.301 of 2017.

: Respondent/Complainant

PRAYER: Criminal Revision Case is filed under Section 397 r/w 401 of the Criminal Procedure Code praying to call for records pertaining to the order in Crl.M.P.No.23 of 2018, on the file of the Judicial Magistrate, Cheranmahadevi, Tirunelveli District, dated 05.01.2018 in Crime No.301 of 2017, on the file of the respondent police and set aside the same.

For Petitioner : Mr.R.Rajeshkumar

For Respondent : Mrs.S.Bharathi

Government Advocate [Criminal Side]

ORDER

The petitioner's JCB bearing Registration No.TN-76-AX-2620 was seized by the police, on 16.11.2017, in connection with a case in Crime No.301 of 2017, under Section 379 IPC for illegal theft of sand. The petitioner filed Crl.M.P.No.23 of 2018, before the learned Judicial Magistrate, Cheranmahadevi, Tirunelveli District, for interim custody of the vehicle. The learned Judicial Magistrate, Cheranmahadevi, by order dated 05.01.2018, has given interim custody of the vehicle, but with certain conditions, two of which are as under:-

"(iii). The petitioner shall not alter or modify or sale the vehicle till the disposal of the case and produce the property whenever this Court order to produce the property before this court to that effect he shall execute own bond for Rs.15,00,000/- with one surety for Rs.15,00,000/- for the likesum to the satisfaction of this Court and surrender the original RC Book into the Court till the disposal



of the case.

(iv). The original RC Book already produced before this Court as per the order of the Hon'ble High Court, Madurai Bench in CrI.RC(MD).No.480 of 2017, dated 13.07.2017, again, he committed the same state of offence. Hence, the petitioner/accused shall deposit Rs.1,00,000/- before this Court".

2. This Criminal Revision Case has been filed by the petitioner for modifying the conditions relating to execution of bond for a sum of Rs.15,00,000/- with one surety and for reducing the deposit amount of Rs.1,00,000/-, as ordered by the Court below.

3. The learned counsel appearing for the petitioner submitted that the JCB was seized on 16.11.2017 and is lying in the Police Station for the past three and half months. This itself is a great punishment for the petitioner, on account of loss of income.

4. Per contra, the learned Government Advocate appearing for the respondent submitted that the JCB of the petitioner is involved in Crime No.334 of 2017, on the file of the Veeravanallur Police Station under Section 379 IPC for similar offence.

5. Be that as it may, this Court is of the view that instead of allowing the JCB to deteriorate in the Police Station, interest of justice will be served, if the bond is reduced from Rs.15,00,000/- to Rs.5,00,000/- and deposit amount is reduced from Rs.1,00,000/- to Rs.50,000/- and the rest of the conditions shall remain unaltered.

6. In the result, this Criminal Revision Case is disposed of in the following terms:-

- the bond amount in condition No.iii of the Court below is reduced from Rs.15,00,000/- to Rs.5,00,000/-;
- the deposit amount in condition No.iv is reduced from Rs.1,00,000/- to Rs.50,000/-, and the rest of the conditions shall remain unaltered.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate, Cheranmahadevi,
<https://hcservices.ecourts.gov.in/hcservices/>
Tirunelveli District.



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

3. The Government Advocate [Criminal Side]
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.R.RAJESH KUMAR, ADVOCATE IN SR No. 51467

NB

TE/SV-MMS/SAR-2 : 28/02/2018 : 3P/5C

ORDER MADE IN
Crl.R.C.(MD)No.53 of 2018
Dated:-26.02.2018