



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Crl.R.C. (MD) No.79 of 2018

WEB COPY

Muthuramalingam

: Petitioner

Vs.

1. Inspector of Police,
Manapparai Police Station,
Tiruchirappalli District.
(Crime No.16 of 2017).

2. Ayyanar

: Respondents

PRAYER: Criminal Revision Case is filed under Section 397 r/w 401 of the Criminal Procedure Code praying to call for the records relating to the order passed by the learned Chief Judicial Magistrate, Thiruchirappalli, in Cr.M.P.No.2244 of 2017 in S.C.No.45 of 2017, dated 26.12.2017 and set aside the same insofar as the condition No.2 is concerned as illegal and allow the Criminal Revision Case.

For Petitioner : Mr.A.V.Arun

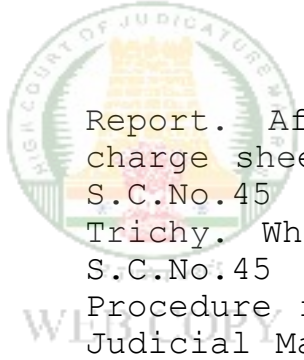
For Respondent No.1 : Mrs.S.Bharathi,

Government Advocate (Crl.side)

ORDER

Muthuramalingam is the owner of Yamaha Motorcycle bearing Registration No.TN-59-BH-1731; that he lost his motorcycle in the night hours of 24.10.2016 and that on the complaint given by him, a case in Madurai City K.Pudur Police Station Crime No.1822 of 2016 was registered under Section 379 of the Indian Penal Code against unknown accused. While so, a chain snatching incident occurred within the jurisdiction of Manapparai Police Station, in which, on the complaint of Nagalakshmi (victim), Manapparai Police registered a case in Crime No.16 of 2017 dated 04.01.2017 under Sections 397 and 506(2) of the Indian Penal Code against one Ayyanar and Pandi.

2. On a reading of the First Information Report in Crime No.16 of 2017, it reveals that Nagalakshmi has stated that two persons came by Yamaha Bike bearing Registration No.TN-55-BH-4751 and brandished weapons and demanded the gold chain worn by her. When she raised a hue and cry, the local villagers gathered and they caught the duo along with the motorcycle and handed over them to the Manapparai Police. The accused disclosed their names as 'Ayyanar and Pandi' and, therefore, their names figured in the First Information



Report. After completing the investigation, the police filed a charge sheet in Crime No.16 of 2017 and the case is now pending in S.C.No.45 of 2017 before the learned Chief Judicial Magistrate, Trichy. While so, the petitioner filed Cr.M.P.No.2244 of 2017 in S.C.No.45 of 2017 under Section 451 of the Code of Criminal Procedure for interim custody of the vehicle and the learned Chief Judicial Magistrate, by order dated 26.12.2017, has granted interim custody of the vehicle on certain conditions, one of which is "Petitioner and one surety both must execute bond of Rs.30,000/- (with solvency certificate separately) on satisfaction of this Court." Aggrieved by the above said condition, the petitioner has filed the present Criminal Revision Case.

3. The learned counsel for the petitioner submitted that the vehicle is a very old vehicle and the vehicle is in a very bad condition and it will not fetch even Rs.20,000/-, if sold in the Market and, therefore, the surety amount of Rs.30,000/- is excessive.

4. Per contra, the learned Government Advocate (Criminal side) refuted the contentions.

5. This Court gave its anxious consideration to the rival submissions.

6. The fact remains that the petitioner is the owner of the vehicle and the victim of a crime. In the facts and circumstances of the case, the said condition appears to be little onerous. Therefore, the order dated 26.12.2017, in Cr.M.P.No.2244 of 2017 in S.C.No.45 of 2017, passed by the learned Chief Judicial Magistrate, Thiruchirapalli, is set aside only insofar as condition No.2 is concerned and accordingly, condition No.2 is modified to the effect that the surety amount is reduced from Rs.30,000/- to Rs.5,000/-. The Solvency Certificate need not be insisted upon either from the petitioner or from the surety. The petitioner shall take photographs of the vehicle and hand over the same to the Court.

7. This Criminal Revision Case is allowed to the extent indicated above.

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Chief Judicial Magistrate, Thiruchirapalli.
 - 2.The Inspector of Police, Manapparai Police Station,
Tiruchirappalli District.,
 - 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +One cc to Mr.A.V.Arun, Advocate, SR.No.47373

SML

RL/5C/2P/SV/MMS/SAR3/16/2/2018

Order made in

Cr1.R.C. (MD) No.79 of 2018

Dated:-

09.02.2018