



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.R.C.(MD) No.94 of 2018

Muthuselvam

... Petitioner/Accused

vs.

The State rep by
The Sub-Inspector of Police,
Cheranmahadevi Police Station,
Tirunelveli District.
(Crime No.313 of 2017)

... Respondent/Complainant

PRAYER: Criminal revision filed, under Section 397 r/w 401 Cr.P.C., to call for the records pertaining to the order passed by the learned Judicial Magistrate, Cheran Mahadei, Tirunelveli District in Crl.M.P.No.33 of 2018 in Crime No.313 of 2017 dated 09.01.2018 and set aside the same in so far as condition No.(iv).

For Petitioner : Mr.S.Sathya Chidambaram

For Respondent : Mrs.S.Bharathi

Government Advocate (Criminal side)

O R D E R

The petitioner the accused in Crime No.313 of 2017 for the offences under Sections 341, 294(b), 506(ii) I.P.C. and Section 4 of the Tamilnadu Prevention of Women Harassment Act. It is the case of the defacto complainant that the petitioner had come in an auto rickshaw bearing registration No.TN 67 AY 2137 and picked up quarrel with her and attacked her with a stick. Hence, the F.I.R.

2.During the course of investigation, the police seized the auto rickshaw of the petitioner on 11.12.2017. Thereafter, the petitioner filed a petition in Crl.M.P.No.33 of 2018 in Crime No.313 of 2017 under Sections 457 and 451 Cr.P.C. for a direction to the respondent police to produce the auto rickshaw and also for return of the vehicle, in which the learned Judicial Magistrate, Cheranmahadevi by order dated 09.01.2018, has given interim custody of the vehicle to the petitioner on certain conditions, one of which is

<https://hcservices.ecourts.gov.in/hcservices/> (iv) Already Auto-Rickshaw's original RC Book submitted before this Court for another case. Hence, the petitioner shall deposit a sum



of Rs.25,000/- into the Court."

Aggrieved by the aforesaid condition, the petitioner has filed the present Criminal Revision Case.

3. Heard Mr.S.Sathya Chidambaram, learned counsel appearing for the petitioner and Mrs.S.Bharathi, learned Government Advocate (Criminal side) for the respondent.

4. Learned counsel appearing for the petitioner submitted that the auto rickshaw of the petitioner was seized on 11.12.2017 and is in the custody of the police till date. On account of that, the petitioner has lost the revenue and he is not in a position to deposit Rs.25,000/-.

5. Taking into consideration the nature of the allegations and the fact that the petitioner was out of employment from 11.12.2017 to today (19.02.2018) since his only source of livelihood, namely, the auto rickshaw was not functional from 11.12.2017, in condition No.(iv) of the learned Judicial Magistrate, Cheranmahadevi in CrI.M.P.No.33 of 2018 dated 09.01.2018, the amount Rs.25,000/- is reduced to Rs.10,000/- (Rupees Ten Thousand only). Rest of the conditions shall remain the same.

6. This Criminal Revision Case is disposed of with the above modification of the order of the learned Judicial Magistrate, Cheranmahadevi in CrI.M.P.No.33 of 2018 dated 09.01.2018.

Sd/-

Assistant Registrar (CrI.side)

/True Copy/

Sub Assistant Registrar

To:

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

+ 1 CC TO Mr.S.SATHIYA CHIDAMBARAM, ADVOCATE IN SR No. 50118

SJ

TE/SKN-RSK/SAR-1 : 26/02/2018 : 2P/5C

<https://hcservices.ecourts.gov.in/hcservices/>

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