



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 03.08.2018
CORAM:
THE HONOURABLE MRS.JUSTICE.R.THARANI

Crl.RC (MD) No.399 of 2018

WEB COPY

G.Ashok Kumar Jain

...Petitioner

-vs-

The Inspector of Police,
Thirumangalam Taluk Police Station,
Madurai.

...Respondent

PRAYER: Criminal Revision filed Under Section 397 r/w Section 401 of the code of Cr.P.C., to revise the order dated 25.06.2018 in Crl.M.P.No.2103 of 2018 on the file of the Judicial Magistrate, Thirumangalam.

For Petitioner

: Mr.J.Sathiaraj

For Respondent

: Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

ORDER

This petition has been filed against the order passed by the learned Judicial Magistrate, Thirumangalam in Crl.M.P.No.2103 of 2018 dated 25.06.2018.

2.The case of the prosecution is that on 05.05.2018 the respondent police arrested one Babuji for selling duplicate Seyadu Beedi and on the confession statement given by Babuji, the respondent police arrested the petitioner and seized the Beedi bundles and the amount of Rs.2,51,260/-. The case in Crime No.113 of 2018 is registered against the petitioner. The petitioner filed a petition before the trial court for return of the amount alone. That petition was dismissed by the trial court, against the order of the dismissal, the petitioner has approached this Court.

3.On the side of the petitioner it is stated that the petitioner is running a grocery shop and further stated that the petitioner could not run his family and his business due to the seizure of the amount of Rs.2,51,260/- and he prayed to return the amount to him.

4. On the side of the prosecution it is stated that the amount was seized by the respondent police, and was produced before the trial court. The petitioner has stated that the amount is necessary for marking the same in the trial and the respondent herein object this petition.



5. Records perused. The trial court has not stated any reason for the dismissal of the petition and only a one line order "reply received, petition dismissed" was given. The petitioner is one of the accused in this case. It is stated that the petitioner is unable to run his family. The amount is left idle in the court.

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6. In such circumstances, this Court is inclined to allow this petition and set aside the order dated 25.06.2018 passed by the learned Judicial Magistrate, Thirumangalam in CrI.M.P.No.2103 of 2018 on the following conditions:

(i) The petitioner has to execute a bond for a sum of Rs.3,00,000/- with two sureties for a like sum each.

(ii) He has to produce self certified photocopy of the currency notes (both sides) for marking them in the case.

(iii) Petitioner has to produce the amount as and when required by the Court.

(iv) He has to undertake to return the amount if the Court so orders.

Sd/-

Assistant Registrar(CrI.side)

/True Copy/

Sub Assistant Registrar(CS-III)

To

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

+1CC to Mr.J.Sathiaraj, Advocate, SR.No.77133

CrI.RC(MD)No.399 of 2018
03.08.2018

DAS

ES/RP/SAR 3/28.08.2018/2P/5C