

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

Crl.O.P.No.30796 of 2019

K.Parthiban

...Petitioner/Defacto Complainant

Vs

State by: Inspector of Police,
Crime Branch,
K-10, Koyambedu Police Station,
Chennai - 600 107.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to modify the conditions, the petitioner shall execute a bond for a sum of Rs.8,00,000/- with one surety for like sum and the petitioner has to keep the case property as it is and he is not to sell or encumber or alter the nature of the case property and keep the case property in good condition and the petitioner shall produce the case property before this Court as and when required by this Court passed in Crl.M.P.No.10763 of 2019 by an order dated 03.10.2019 on the file of V Metropolitan Magistrate Court at Egmore.

For Petitioner : Mr.C.Shankar

For Respondent : Mr.C.Iyyapparaj
Additional Public Prosecutor

सत्यमेव जयते
O R D E R

Heard Mr.C.Shankar, learned counsel for the petitioner and Mr.C.Iyyapparaj, learned Additional Public Prosecutor appearing for the respondent.

2. The petitioner herein is a Government undertaking. In a case of misappropriation alleged by one their employees, a FIR was registered in Crime No.449 of 2019 and during the interrogation, the respondent police had recovered a sum of Rs.8,00,000/- from the accused, which came to be deposited before the learned V Metropolitan Magistrate, Chennai.

3. On the petitioner's application seeking for return of the property under Section 451 of Cr.P.C, the petition in CrI.M.P.No.10763 of 2019 came to be allowed on 03.10.2019, with the following conditions:

1.The petitioner shall execute a bond for a sum of Rs.8,00,000/- with one surety for like sum.

2.The petitioner shall take photographs of case property and counter signs photograph and produce the same before the Court.

3.The petitioner has to keep the case property as it is and he is not to sell or encumber or alter the nature of the case property and keep the case property in good condition.

4.The petitioner shall produce the case property before this Court as and when required by this Court.

Challenging these conditions, the present petition has been filed seeking for modification.

4. The conditions imposed by the Trial Court are apparently not one which is directed for a case of this nature. The Trial Court had dealt with the petitioner's application under Section 451 Cr.P.C like that of return of a case property, which pertains to vehicles, etc. In view of the same, the order dated 03.10.2019 itself requires to be modified.

5. In the light of the above observations, the conditions 1 and 3 imposed in the order dated 03.10.2019 passed in CrI.M.P.No.10763 of 2019, shall stand modified as follows:

1. The petitioner shall execute a bond for a sum of Rs.8,00,000/-

3. The petitioner shall produce the denominations as well as the currency numbers in the list and submit the same before the learned V Metropolitan Magistrate, Egmore.

6. All other observations made in the earlier order dated 03.10.2019 passed in CrI.M.P.No.10763 of 2019, shall remain intact.

7. Accordingly, the Criminal Original Petition stands ordered.

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

hvk

To

1.The V Metropolitan Magistrate Court,
Egmore.

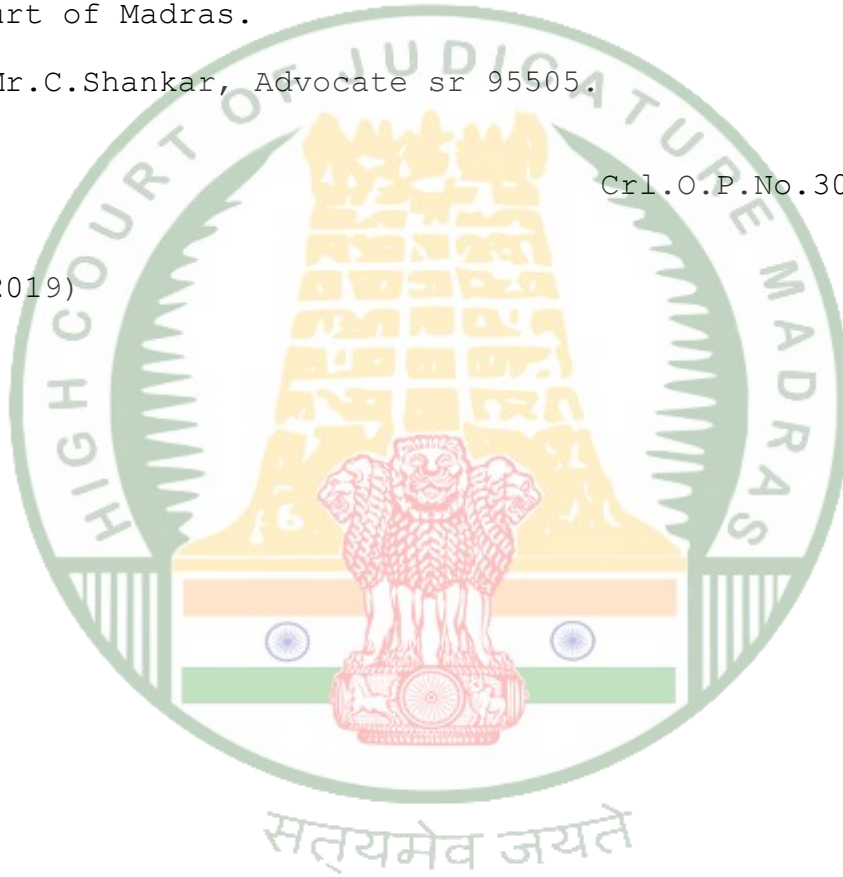
2.The Inspector of Police,
Crime Branch,
K-10, Koyambedu Police Station,
Chennai - 600 107.

3.The Public Prosecutor,
High Court of Madras.

+1 CC to Mr.C.Shankar, Advocate sr 95505.

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NMI (CO)
SP(06/12/2019)



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