



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE: 26.08.2019

CORAM :

THE HONOURABLE MRS.JUSTICE **T.KRISHNAVALLI**

Crl.R.C. (MD)No.563 of 2019

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R.Regu

... Petitioner

Vs.

The Inspector of Police,
SIPCOT Police Station,
Thoothukudi,
Thoothukudi District.
(Crime No.249 of 2019)

... Respondent

Prayer: Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C., to set aside the condition No.2 of the order passed in Cr.M.P.No.7616 of 2019 in Crime No.249 of 2019 on the file of the Judicial Magistrate No.III, Thoothukudi.

For Petitioner : Mr.S.C.Herold Singh

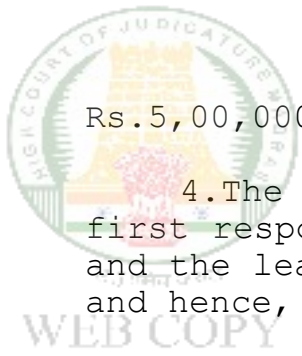
For Respondent : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate(Crl.side)

ORDER

This Criminal Revision Petition has been filed to set aside the condition No.2 of the order passed in Cr.M.P.No.7616 of 2019 in Crime No.249 of 2019 on the file of the Judicial Magistrate No.III, Thoothukudi.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl.side) appearing for the respondent.

3.The learned counsel appearing for the petitioner submitted that the petitioner is the owner of the four wheeler bearing Registration No.TN 18 P 9372 and the same was seized by the respondent police alleging that the accused persons used the said vehicle for theft and registered a case in crime No.249 of 2019. He further submitted that the petitioner filed a petition in Cr.M.P.No.7616 of 2019 for releasing of his vehicle before the learned Judicial Magistrate No.III, Thoothukudi and the learned Magistrate passed order directing the respondent to handover the vehicle to the petitioner with certain condition. The second condition is to furnish surety for a sum of Rs.5,00,000/- and also directed the petitioner to furnish bond of Rs.5,00,000/-. He also submitted that no one else has come forward to furnish surety for



Rs.5,00,000/- and hence, the petitioner filed this petition.

4.The learned Government Advocate(Crl.side) appearing for the first respondent submitted that there is no merits in this petition and the learned Magistrate correctly imposed the aforesaid condition and hence, he prayed for dismissal of this petition.

5.This Court is of the view that the learned Magistrate passed a erroneous order by imposing the aforesaid condition and hence, this Court is inclined to modify the conditions no.1 & 2 in order passed in Cr.M.P.No.7616 of 2019 as follows:

1.மனுதாரர் தனக்காக :1,00,000/-த்திற்கு பிணைமுறி இயற்றித்தரவேண்டும்.

2.மனுதாரருக்காக ஒருநபர் :50,000/-த்திற்கு ஜாமீனுடன் கூடிய பிணைமுறி இயற்றித்தரவேண்டும்.

6.In the result, this Criminal Revision Petition is allowed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Judicial Magistrate No.III,
Thoothukudi.

2.The Inspector of Police,
SIPCOT Police Station,
Thoothukudi,
Thoothukudi District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.S. C. HEROLD SINGH, Advocate SR-83797.

Cr1.R.C. (MD)No.563 of 2019
26.08.2019

CS (27.09.2019) 2P 5C