



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Friday, the Fifteenth day of November Two Thousand and Nineteen

PRESENT

The Hon`ble Mr.Justice V.PARTHIBAN

CRL MP(MD). No.9894 of 2019

in

CRL RC (MD) No.714 of 2019

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Eshwari,

... Petitioner/Petitioner

Vs

1 State Rep.,by

The Sub Inspector of Police

Pantalkudi Police Station Virudhunagar Dt.

Cr.No.89 of 2019

... Respondent/Respondent

Prayer :-

This Petition filed under section 482 of Cr.P.C. to modify the condition imposed in Crl.RC(MD)No.714/2019 dated 23.10.2019

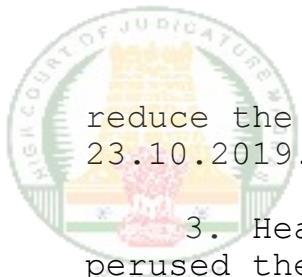
Prayer in Crl RC (MD) No.714 of 2019 :-

This Criminal Revision Case filed under section 397 r/w 401 of the code of Crl. Procedure against the order dated 27.08.2019 made in Cr.M.P. No.7381 of 2019 on the file of the Judicial Magistrate Aruppukottai

ORDER:- This Petition coming on for orders on this day and upon perusing the earlier order of this Court dated 23/10/2019 and petition and the affidavit filed in support thereof and upon hearing the arguments of Thiru.S.Poornachandran, Advocate for the Petitioner and of Thiru. V.Neelakandan, Additional Public Prosecutor for the respondent, this Court made the following order:

The present petition has been filed by the petitioner seeking the indulgence of this Court to modify the order dated 23.10.2019 in the above revision, in and by which this Court ordered release of the vehicle on certain conditions, one among which was deposit of a non-refundable deposit of a sum of Rs.50,000/-.

2. It is the stand of the petitioner that though a favourable order has been obtained by her, however, she is not able to realise the fruit of the said order, for the reason that she is not able to comply with the condition relating to payment of non-refundable deposit. It is the further averment of the petitioner that neither she is an accused in the case, nor her vehicle was involved in the offence, but for the fact that the petitioner's husband was one of the alleged accused in the case. Therefore, it is prayed that this Court may modify the condition relating to deposit of non-refundable amount, by deleting the condition or in the alternative, taking into



reduce the amount of non-refundable deposit ordered vide order dated 23.10.2019.

3. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

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4. A perusal of the record, more particularly the FIR reveals that the offence in the present case relates to kidnapping and extortion of money from the complainant and further threatening the complainant with dire consequences. Further, the FIR reveals that the vehicle in question was used in the commission of the offence. Such being the case, this Court, on consideration of the fact that leaving the vehicle in open would deteriorate the value of the vehicle over a period of time, had allowed the revision and ordered release of the vehicle by imposing various conditions, one of which is a non-refundable deposit of a sum of Rs.50,000/=. Further, the vehicle in the case is a higher end model and the extortion of money also runs into lakhs of rupees and, therefore, this Court, keeping in mind all the above aspects, had imposed condition of deposit of a non-refundable sum of Rs.50,000/-.

5. The present petition is filed by the petitioner pleading financial difficulty in mobilising the amount of Rs.50,000/-. The vehicle owner by the petitioner is a higher end vehicle, running into lakhs of rupees. That being the case, the stand taken by the petitioner that she has difficulty in mobilising the said amount does not augur well with this Court. Further, this Court has already passed final orders in the revision and in view of the bar u/s 362 Cr.P.C., this Court is not inclined to entertain this petition.

6. For the reasons aforesaid, this petition is liable to be dismissed and accordingly, the same is dismissed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

TO

1. The Judicial Magistrate, Aruppukottai
2. The Sub Inspector of Police  
Pantalkudi Police Station Virudhunagar District.
3. The Additional Public Prosecutor  
Madurai Bench of Madras High Court, Madurai



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**CRL MP(MD). No.9894 of 2019**

ORDER DATED : 15/11/2019

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ORDER

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CRL MP(MD) . No.9894 of 2019  
in  
CRL RC (MD) No.714 of 2019

Giving direction and etc.  
as stated within.

KK/SAR/03.12.2019/3P-4C/