



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 08.09.2020

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.495 of 2020

Muthukumar

.. Petitioner

Vs.

The Sub-Inspector of Police,
Bazaar Police Station,
Ramanathapuram.
(Crime No.100/2019)

.. Respondent

Prayer : This criminal revision case is filed under Sections 397 and 401 of Cr.P.C., to call for the records pertaining to the order passed in Cr.M.P.No.5214 of 2019, dated 20.08.2019 on the file of the learned Judicial Magistrate No.I, Ramanathapuram and modify the onerous conditions.

For Petitioner : Mr.S.Vikram

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate

ORDER

This Criminal Revision Case has been filed to call for the records pertaining to the order passed in Cr.M.P.No.5214 of 2019, dated 20.08.2019 on the file of the learned Judicial Magistrate No.I, Ramanathapuram.

2. The petitioner claims to be the owner of the vehicle / tipper lorry bearing Registration No.TN-65-T-7312. The respondent seized the lorry that belong to the petitioner alleging that the lorry was used for sand theft. Subsequently, the petitioner has approached the learned Judicial Magistrate No.I, Ramanathapuram, by filing a petition for release of the vehicle and the learned Magistrate allowed the petition in Crl.M.P.No.5214 of 2019 dated 20.08.2019, by imposing certain conditions. Against the condition No.3, the petitioner has preferred this revision.

3.on the side of the petitioner, it is stated that the lower Court imposed an onerous condition for executing a bond for a sum of Rs.20,00,000/- (Rupees Twenty Lakhs only) with one surety and the petitioner is ready to execute a bond for a sum of Rs.50,000/- and prayed the condition to be modified.



4. On the side of the prosecution, it is stated that there is no necessity to alter the condition imposed by the lower Court and the prosecution objected the petition.

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5. Heard the learned counsel on either side and perused the materials available on record.

6. It is seen that the condition No.3 is only for execution of a bond, is not for a cash deposit and is not an onerous condition. The petitioner was directed to execute the bond along with one surety, which is not prejudice to the petitioner. Hence, there is no necessity to modify the order of the trial Court. Accordingly, this Criminal Revision Case is allowed and the order passed in Cr.M.P.No.5214 of 2019, dated 20.08.2019 on the file of the learned Judicial Magistrate No.I, Ramanathapuram is hereby confirmed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Judicial Magistrate No.I,
Ramanathapuram .
2. The Sub-Inspector of Police,
Bazaar Police Station,
Ramanathapuram.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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