



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
(Criminal Original Jurisdiction)

Thursday, the Third day of September Two Thousand and Twenty  
PRESENT

The Hon'ble Mrs. Justice R. THARANI

CRL MP(MD). No.4371 of 2020

in

CRL RC(MD).No.456 of 2020

WEB COPY

Manthira Moorthy ...Petitioner/Petitioner/Owner of the Vehicle

Vs

The Inspector of Police,  
Thattarmadam Police Station,  
Tuticorin District  
(Crime No.41 of 2020) ...Respondent/Respondent/Respondent

Prayer in CRL MP(MD). No.4371 of 2020:-

Criminal Miscellaneous Petition is filed under section 482 of Criminal Procedure Code, praying this Hon'ble Court to modify and relax the 2nd and 3rd condition imposed by this Hon ble Court in Crl RC.No.456 of 2020 dated 21.08.2020.

Prayer in CRL RC(MD).No.456 of 2020 :

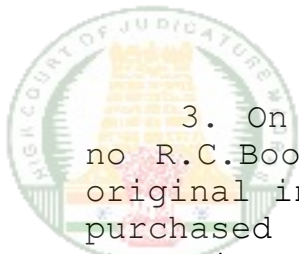
Criminal Revision Case is filed under Sections 397 and 401 of Cr.P.C., to call for the entire records relating to the order dated 04.07.2020 made in Cr.M.P.No.2124 of 2020 on the file of the learned Judicial Magistrate, Sathankulam, Tuticorin District and to set aside the same and to release the petitioner's vehicle Hitachi Serial No.R210V N634D000721.

ORDER:-

Criminal Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.K.M.Priscilla Jancy, Advocate for the Petitioner and of Mr.K.Dinesh Babu, Additional Public Prosecutor On Behalf of the Respondent, this Court made the following order:

This petition is filed to modify and to relax the second and third conditions imposed by this Court in Crl.R.C.(MD)No.456 of 2020.

2. On the side of the petitioner, it is stated that due to the poor family condition of the petitioner, the petitioner is not in a position to comply the condition Nos. 2 and 3 of the order of this Court, passed in Crl.R.C.(MD) No.457 of 2020.



3. On the side of the prosecution, it is stated that there is no R.C.Book for a JCB, there is no bar to sell a JCB without an original invoice. The value of the JCB is Rs.55,00,000/-, which was purchased recently. If the condition Nos.2 and 3 are set aside, there is no assurance that the JCB will be produced before the Court as and when required by the respondent or by the Court at the time of confiscation. Hence, he strongly objected the petition.

4. In view of the above facts and circumstances of the case, this Court is inclined to modify the condition No.3 that the petitioner is directed to execute a bond for a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) with two sureties, each for a like sum to the satisfaction of learned Judicial Magistrate, Sathankulam. In so far as the second condition is concerned, this petition is dismissed and the other conditions imposed by this Court remain unaltered.

5. With the above modification, this petition is partly allowed.

Sd/-

Assistant Registrar (CSI)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

- 1 The Judicial Magistrate, Sathankulam.
- 2 The Chief Judicial Magistrate, Tuticorin
- 3 The Inspector of Police, Thattarmadam Police Station,  
Tuticorin District
- 4 The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

CRL MP(MD). No.4371 of 2020  
in  
CRL RC(MD).No.456 of 2020  
03.09.2020

KB(16.09.2020) 2P 5C