



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Original Jurisdiction)

Thursday, the Seventeenth day of December Two Thousand and Twenty

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PRESENT

The Hon'ble Mrs.Justice R.THARANI

CRL MP(MD) . No.6590 of 2020

in

CRL RC(MD) .No.492 of 2020

Muniyandi

...Petitioner/Owner of Vehicle

Vs

The Inspector of Police, Poovanthi Police Station,
Sivagangai District.

(Crime No.112 of 2019)

...Respondent/Complainant

Prayer in CRL MP(MD) . No.6590 of 2020:-

Criminal Miscellaneous Petition filed under section 482 of Criminal Procedure Code, praying this Court to modify the condition No (ii) imposed in the above Crl.R.C.No.492 of 2020 dated 08.09.2020 by this court to the effect that the petitioner shall furnish security for the sum of Rs 1.00 lakh instead of cash amount of Rs.1.00 lakh to the credit of Crime No.112 of 2018 on the file of the Principal Sessions Judge, Sivagangai.

Prayer in CRL RC(MD) .No.492 of 2020 :

Criminal Revision Case filed under section 397 read with section 401 of Criminal Procedure Code, to set aside the order dated 24.07.2020 made in CRL M.P.No.1934 of 2020 on the file of the Principal Sessions Judge, Sivagangai.

ORDER:-

Criminal Miscellaneous Petition coming up for hearing on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.V.Malaiyendran, Advocate for the Petitioner and of Mrs.S.Bharathi, Government Advocate(Criminal Side) on Behalf of the Respondent, this Court made the following order:

This petition has been filed to modify the condition no.(ii) imposed by this Court in Crl.R.C.(MD)No.492 of 2020, dated 08.09.2020.



2.On the side of the petitioner, it is stated that the vehicle of the petitioner was already seized by the respondent Police during the year 2018. There is no possibility for the petitioner to use the same vehicle again in the year 2019. Already the petitioner has deposited a sum of Rs.50,000/- (Rupees Fifty Thousand only), as per the order of this Court in Crl.R.C.(MD)No.23 of 2020 dated 23.01.2019. Due to the pandemic situation, the petitioner is not in a position to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) for the very same vehicle in Crl.R.C.(MD)No.492 of 2020 and prayed the condition no.(ii) to be modified.

3.On the side of the respondent, it is stated that the vehicle was used for commission of offence in Crime no.112 of 2018. Again a case in Crime No.70 of 2019 was registered against the petitioner for commission of similar offence. The petitioner is the accused in the case. The vehicle was not seized by the police in the year 2018. Only after commission of two offences, the vehicle was seized by the police. The petitioner obtained an order from this Court for return of the vehicle in Crl.R.C.(MD)No.23 of 2020 on 23.01.2020, in Crime No.70 of 2019. Since the vehicle is involved in both the offences, the vehicle was seized in both crime numbers. Again the petitioner has approached this Court for return of the vehicle in Crime No.112 of 2018 and has obtained an order in Crl.R.C.(MD)No.492 of 2020 and prayed to dismiss the petition.

4.A perusal of the records reveals that the vehicle of the petitioner was used for commission of two offences. One is of the year 2018 and the other is of the year 2019. It is stated that the vehicle was seized only in the year 2019 and was remanded in both the crime numbers. The petitioner approached this Court and got an order in Crl.R.C.(MD)No.23 of 2020 dated 23.01.2020, for return of the vehicle in Crime No.70 of 2019 and subsequently, the petitioner filed another petition in Crl.R.C.(MD)No.492 of 2020 for return of the very same vehicle in Crime No.112 of 2018. Hence, the vehicle was not seized by the Police in the year 2018. The allegation put forth by the petitioner is not sustainable.

5.On the side of the petitioner, it is stated that the petitioner has already deposited Rs.50,000/- (Rupees Fifty Thousand only), as per the earlier order obtained by this Court in Crl.R.C.(MD)No.23 of 2020.

6.In view of the above submissions, this Criminal Revision Case is partly allowed and the condition nos.1 and 2 are modified to that effect that "(i) The surrender of original R.C. Book in Crime No.70 of 2019 is to be taken as surrender of R.C. Book in Crime No.112 of 2018 also and (ii) The petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.112 of 2018 on the file of the Principal Sessions Judge, Sivagangai, along with bond of Rs.2,00,000/- (Rupees Two Lakhs only) with two sureties each



receipt of copy of this order." The other conditions imposed by this Court in Crl.R.C.(MD)No.492 of 2020 remains unaltered.

Sd/-

Assistant Registrar (CSIII)

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Sub Assistant Registrar(CS)

To

- 1 The Principal Sessions Judge, Sivagangai
- 2 The Inspector of Police, Poovanthi Police Station, Sivagangai District.
- 3 The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

CRL MP(MD) . No.6590 of 2020
in

CRL RC(MD) .No.492 of 2020
17.12.2020

KB(28.12.2020) 3P 4C