



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 15.03.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.143 of 2021

WEB COPY

Durai

.. Petitioner/Sole Accused

Vs.

The Inspector of Police,
Karaiyur Police Station,
Pudukkottai District.
(Crime No.180 of 2020)

.. Respondent/Complainant

Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the records pertaining to order in Cr.M.P.No.3812 of 2020 passed by the Principal District and Sessions Court, Pudukkottai dated 16.10.2020 and to modify the first condition i.e. he shall deposit Rs.3,00,000/- as cash security before the Judicial Magistrate Court, Illupur.

For Petitioner : Mr.A.Arun Prasad

For Respondent : Mrs.S.Bharathi

Government Advocate (Criminal Side)

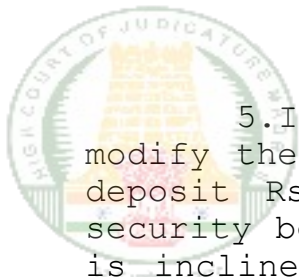
ORDER

This petition has been filed to set aside the order passed in Cr.M.P.No.3812 of 2020 dated 16.10.2020, on the file of the learned Principal District and Sessions Court, Pudukkottai in respect of condition no.1 alone.

2.The petitioner claims to be the owner of the Tata 909 BS III bearing Registration No.TN-36-AF-5518. The respondent seized the vehicle and produced the property before the Court. Subsequently, the petitioner has approached the learned Principal District and Sessions Judge, Pudukkottai, by filing a petition for the release of the vehicle and the learned Judge allowed the petition in Crl.M.P.No.3812 of 2020 dated 16.10.2020, by imposing the first condition to the effect that 'the petitioner shall deposit Rs.3,00,000/- as cash security before the Judicial Magistrate Court, Illuppur'. Challenging the same, the petitioner is before this Court with this revision case.

3.On the side of the petitioner, it is stated that the first condition imposed by the trial Court is exorbitant and prayed the condition to be modified.

4.On the side of the respondent, it is stated that the condition imposed by the Court is reasonable and there is no necessity to modify that condition.



5.In the above circumstances, this Court is inclined to modify the first condition to the effect that the petitioner shall deposit Rs.75,000/- (Rupees Seventy Five Thousand only) as cash security before the Judicial Magistrate Court, Illuppur. This Court is inclined to *suo moto* modify the second condition to the effect that the petitioner shall execute a personal bond for a sum of Rs.5,00,000/- (Rupees Five Lakhs only) with two sureties for like sum each to the satisfaction of the Judicial Magistrate, Illuppur. In respect of other conditions, the order of the learned Principal District and Sessions Judge shall remain unaltered.

6.In view of the above, the Criminal Revision Case is allowed and the order passed by the learned Principal District and Sessions Judge, Pudukkottai in Cr.M.P.No.3812 of 2020 dated 16.10.2020 is modified as above.

Sd/-

Assistant Registrar (Cs-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MRN

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 Principal District and Sessions Judge,
Pudukkottai.
- 2.The Judicial Magistrate, Illuppur.
- 3.The Inspector of Police,
Karaiyur Police Station,
Pudukkottai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Order made in
Crl. R.C.(MD)No.143 of 2021
15.03.2021

TP (CO)

SRS (22/03/2021) 2P : 5C

<https://hcservices.ecourts.gov.in/hcservices/>