



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.07.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.R.C(MD)No.454 of 2021

and

Crl.M.P(MD)No.4771 of 2021

WEB COPY

Aneesh

... Petitioner/Petitioner/Accused No.1

Vs.

State Rep. by
The Sub Inspector of Police,
Arumanai Police Station,
Kanyakumari District.
(In Cr.No.535 of 2020)

... Respondent/Respondent/Complainant

Prayer : This Criminal Revision has been filed under Section 397 & 401 of Criminal Procedure Code, to call for the records pertaining to the order dated 06.03.2021 in Crl.M.P.No.1362 of 2021, passed by the Principal Sessions Judge, Kanyakumari District at Nagercoil insofar as the condition No.1 alone and set-aside the same and modify the condition No.1 passed in Crl.M.P.No.1362 of 2021, dated 06.03.2021 and allow this Criminal Revision Petition.

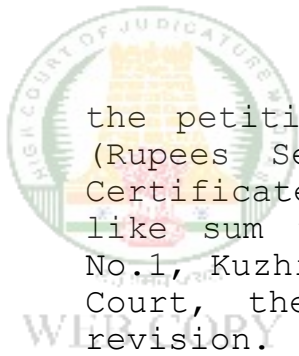
For Petitioner : Mr.C.Kishore

For Respondent : Mr.RMS.Sethuraman
Standing Counsel
for State Government (Crl.side)

O R D E R

This petition has been filed to modify the condition No.1 imposed by the learned Principal Sessions Judge, Kanyakumari District at Nagercoil in the order passed in Crl.M.P.No.1362 of 2021, dated 06.03.2021.

2.The petitioner claims to be the owner of the Hitachi vehicle bearing Machine S.No.N1D4D00200, Hyundai Hydraulic Excavator R80. The respondent police intercepted the vehicle of the petitioner and seized the same and registered a case in Crime No.535 of 2020 under Section 379 IPC. Subsequently, the petitioner has approached the learned Principal Sessions Judge, Kanyakumari District at Nagercoil, by way of filing a petition in Crl.M.P.No.1362 of 2021 for release of the vehicle and the learned judge has allowed the petition filed by the petitioner by its order dated 06.03.2021, by imposing the 1st condition to the effect that



the petitioner should execute a bond for a sum of Rs.7,00,000/- (Rupees Seven lakhs only) with two solvent sureties (Solvency Certificate to be obtained from the concerned Tahsildar) each for a like sum to the satisfaction of the learned Judicial Magistrate No.1, Kuzhithurai. Challenging the 1st condition imposed by the trial Court, the petitioner is before this Court with this criminal revision.

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

4.The only grievance of the petitioner is that the 1st condition imposed by the learned Principal Sessions Judge, Kanyakumari District at Nagercoil is onerous.

5.In view of that, this Criminal Revision Case is allowed. The order of the learned Principal Sessions Judge, Kanyakumari District at Nagercoil, made in Crl.M.P.No.1362 of 2021, dated 06.03.2021 is set aside in respect of the 1st condition alone and it is modified to the effect that the petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties (Solvency Certificate to be obtained from the concerned Tahsildars) each for a likesum to the satisfaction of the learned Judicial Magistrate No.1, Kuzhithurai. In respect of other conditions, the order of the learned Principal Sessions Judge, Kanyakumari District at Nagercoil, shall remain unaltered. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsd

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 Sessions Judge,
Kanyakumari District at Nagercoil.



2.The Sub Inspector of Police,
Arumanai Police Station,
Kanyakumari District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.C.KISHORE, Advocate (SR-22590[F] dated 14/07/2021)

Copy to :

The Judicial Magistrate,
Kuzhithurai,
Kanyakumari District.

Crl.R.C(MD)No.454 of 2021

and

Crl.M.P(MD)No.4771 of 2021

14.07.2021

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