



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.07.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.R.C(MD)No.456 of 2021

and

Crl.M.P(MD)No.4773 of 2021

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Hameesh @ Kamesh

... Petitioner/Petitioner/Accused No.3

Vs.

The Inspector of Police,
Kaliyakkavilai Police Station,
Rep. by the Public Prosecutor,
Kanyakumari District at Nagercoil.

(In Cr.No.455 of 2020) ... Respondent/Respondent/Complainant

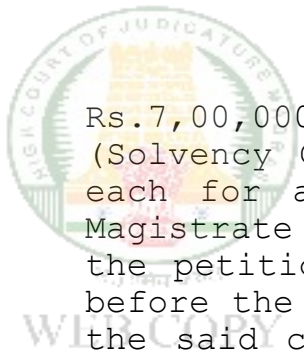
Prayer : This Criminal Revision has been filed under Section 397 & 401 of Criminal Procedure Code, to call for the records pertaining to the impugned order, dated 06.03.2021 in Crl.M.P.No.1364 of 2021, passed by the Principal Sessions Judge, Kanyakumari District at Nagercoil insofar as the condition Nos.1 and 2 alone and set-aside the same and modify the condition Nos.1 and 2 passed in Crl.M.P.No.1364 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 Nos.1 and 2 imposed by the learned Principal Sessions Judge, Kanyakumari District at Nagercoil in the order passed in Crl.M.P.No.1364 of 2021, dated 06.03.2021.

2.The petitioner claims to be the owner of the vehicles bearing Registration No.TN-72-AX-5298 and TN-74-W-7039. The respondent police intercepted the vehicle of the petitioner and seized the same and registered a case in Crime No.455 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.1364 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 and the 2nd condition to the effect the petitioner should deposit the original R.C.Book of the vehicle before the Judicial Magistrate Court No.1, Kuzhithurai. Challenging the said conditions 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 and 2nd conditions imposed by the learned Principal Sessions Judge, Kanyakumari District at Nagercoil, are 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.1364 of 2021, dated 06.03.2021 is set aside in respect of the 1st and 2nd conditions alone and the 1st condition it is modified to the effect that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty thousand 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 and the 2nd condition it is modified to the effect that the petitioner shall produce the original R.C.Book of his vehicle bearing Registration No.TN-74-AV-2032 before the learned Judicial Magistrate No.1, Kuzhithurai and take it back and shall submit a photocopy of the same to the learned Judicial Magistrate No.1, Kuzhithurai and the police. He shall also file an affidavit of undertaking to the effect that he shall not, in any way, alienate or encumber the said vehicle without obtaining the leave of the learned Principal Sessions Judge, Kanyakumari District at Nagercoil. 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/-

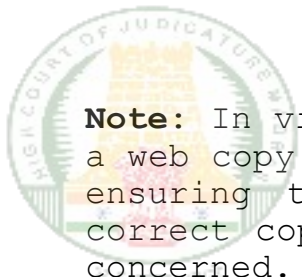
Assistant Registrar (CS-I)

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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.

WEB COPY

To

- 1.The Principal Sessions Judge,
Kanyakumari District at Nagercoil.
2. The Judicial Magistrate No.I,
Kuzhithurai.
- 3.The Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.C.KISHORE, Advocate (SR-22589[F] dated 14/07/2021)

Crl.R.C (MD) No.456 of 2021
and

Crl.M.P (MD) No.4773 of 2021
14.07.2021

MJ (CO)
LR (22.07.2021) 3P 6C