

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****Dated: 15.07.2021****CORAM****THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI****Crl.RC(MD)No.429 of 2020**

Durairaj

... Revision Petitioner/
Petitioner/Owner

Vs.

The Inspector of Police,
Andipatti Police Station,
Theni District.... Respondent/Respondent/
Complainant

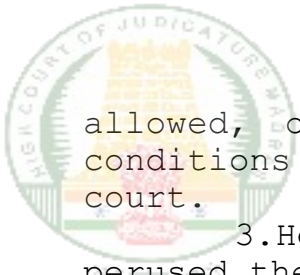
Prayer: Criminal Revision filed under section 397 and 401 of the Criminal Procedure Code, against the order passed in Crl.MP No.1856 of 2020 on the file of the Judicial Magistrate, Andipatti, dated 17.06.2020 in connection with Crime No.333 of 2020 on the file of the respondent police.

For Appellant	: Mr.J.Jeyakumaran
For Respondent	: Mr.P.Kottaichamy
	Standing Counsel for
	State (Crl. Side)

O R D E R

This Criminal Revision is directed against the order passed in Crl.MP No.1856 of 2020 on the file of the Judicial Magistrate, Andipatti, dated 17.06.2020 in connection with Crime No.333 of 2020 on the file of the respondent police and set aside the condition no.3 to 5 imposed by trial court concerned and handover the interim custody of Rs. 4,30,000/- to the petitioner.

2.It is the case of the prosecution that on 23.04.2020 at 4.00 pm, when the respondent police conducted vehicle check up at Thimmarajanayakkanur police check post, they seized 26 pockets of Ganesh Brand Tobacco and Rs.4,30,000/- from the the petitioner in TATA INDICA Car TN-64-M-5433 and further, they seized Tobacco worth about Rs.8,00,000/- from A2. The respondent police registered a case in Crime No.333 of 2020 for the offence under sections 270, 294(b), 353, 506(i) IPC and sections 24(1) and 6(a) of Cigarette and other Tobacco Products Act, 2003. Thereafter, the respondent police produced the Car and cash of Rs.4,30,000/- before the Judicial Magistrate, Andipatti, in RPR No.57 of 2020. The petitioner filed Crl.M.P No.1856 of 2020 to hand over the interim custody of the property of Rs.4,30,000/- to the petitioner. The said petition was



allowed, on 17.06.2020 with some conditions. Aggrieved by the conditions imposed by the trial court, the petitioner is before this court.

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

4. The learned counsel appearing for the petitioner submitted that the imposition of the conditions 3 to 5 by the trial court is onerous and the money seized from the petitioner is his personal money.

5. Perusal of the order passed by the trial court, the trial court has imposed some conditions, which reads as follows:-

(1) The petitioner shall produce proof of him identity and address.

(2) The petitioner shall produce photographs and CD of the property.

(3) The petitioner shall furnish bank guarantee to the said amount and also file affidavit that he will not dispute the seized of the money or the identity of the money.

(4) The petitioner shall also give an undertaking to the effect that at the end of the trial, if the money is found to be ill-gotten, the petitioner shall deposit Rs.4,30,000/- with interest @ 12% p.a. with the time stipulated besides invocation of the bank.

(5) The petitioner shall execute bond for a sum of Rs.4,30,000/- with two sureties.

6. Considering the facts and circumstances of the case, this court is inclined to set aside the 4th condition alone imposed by the trial court. In other aspects, the order of the trial court shall stand unaltered. Accordingly, this criminal revision is ordered.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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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 Judicial Magistrate,
Andipatti.
2. The Inspector of Police,
Andipatti Police Station,
Theni District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.RC(MD) No.429 of 2020
15.07.2021

RC (27.07.2021) 3P-4C