



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Original Jurisdiction)**

**Tuesday, the Twentieth day of July Two Thousand and Twenty One
PRESENT**

The Hon'ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD).No.4948 of 2021

in

CRL RC(MD).No.575 of 2020

V.Sathiyamoorthy

...Petitioner/Petitioner

Vs

State Rep.by The Inspector of Police,
Thennilai Police Station, Karur District.
(Crime No.362 of 2020)

...Respondent/Respondent

Prayer in CRL MP(MD).No.4948 of 2021:-

Criminal Miscellaneous Petition is filed under section 482 of Criminal Procedure Code, praying this Hon'ble Court to suitably modify the condition made in Para 5(ii) and (iii) of the order passed in Crl.R.C.(MD)No.575 of 2020 dated 02/12/2020.

Prayer in CRL RC(MD).No.575 of 2020 :

Criminal Revision Case filed under section 397 and 401 of Criminal Procedure Code, to set aside the order dated 01.10.2020 made in CRL M.P.No.1404 of 2020 on the file of the Sessions Judge, Karur and to hand over the interim custody of the vehicle bearing Registration No.TN-47-AU-7423 belongs to the petitioner.

ORDER:-

This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.D.Venkaesh, Advocate for the Petitioner and of Mr.P.Kottaichamy, Counsel for the State Government (Criminal Side), on behalf of the respondent, this Court made the following order:

This petition is filed to modify the conditions made in paragraph No. 5 (ii) & (iii) of the order passed in Crl.R.C(MD) No.575 of 2020, dated 02.12.2020.

2.The learned counsel appearing for the petitioner submitted that the petitioner is in stringent financial crisis and due to lock down, he lost his business. As such, he is struggling to pay the monthly due to the vehicle. In these circumstances, this Court allowed the Criminal Revision Petition by imposing the condition nos.2 and 3 to the effect that 'the petitioner shall deposit a sum of Rs.2,00,000/- and also to execute a bond for a sum of Rs.10,00,000/- with two sureties for a like sum'. Hence, he seeks to modify the said conditions



3.The learned Standing Counsel for State Government (Crl.side) appearing for the respondent has strongly opposed to modify the conditions.

4.Taking into consideration, the submissions made by both the learned counsel, this petition is allowed and in the second condition, it is modified to the effect that the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One lakh only) to the credit of Crime No.362 of 2020 on the file of the learned Sessions Judge, Karur within a period of two weeks from the date of receipt of a copy of this order and in the third condition, it is modified to the effect that the petitioner is directed to execute a bond for a sum of Rs.5,00,000/- (Rupees Five lakhs only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Karur. In respect of other conditions, the order dated 02.12.2020 in Crl RC(MD).No.575 of 2020 shall remain unaltered.

Sd/-

Assistant Registrar (CSII)

// 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 Sessions Judge,
Karur

2 The Principal Sessions Judge,
Kanniyakumari at Nagercoil

3 The Inspector of Police, Thennilai Police Station,
Karur District

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



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CRL MP(MD). No.4948 of 2021

ORDER DATED : 20/07/2021

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Modification

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CRL MP(MD).No.4948 of 2021
in

CRL RC(MD).No.575 of 2020
Giving direction and etc.
as stated within.

KB (30.07.2021) 3P 5C