



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **22.07.2021**

CORAM

THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI**

Crl.R.C(MD)No.467 of 2021

and

Crl.M.P(MD)No.4957 of 2021

Suba

... Petitioner/3rd Party

Vs.

The State Rep. by
The Inspector of Police,
Kollencode
Through The Public Prosecutor
at Nagercoil.
(In Crime No.6 of 2021)

...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 07.04.2021 in Crl.M.P.No.2031 of 2021, passed by the Principal Sessions Judge, Kanyakumari District at Nagercoil insofar as the condition Nos.1 and 7 alone and set aside the same and the modify the condition Nos.1 and 7 passed in Crl.M.P.No.2031 of 2021, dated 07.04.2021 and allow the revision petition.

For Petitioner : Mr.C.Kishore

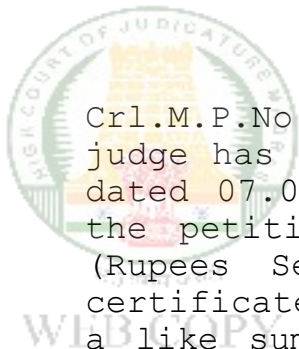
For Respondent : Mr.P.Kottaichamy

Government Advocate (Crl.side)

O R D E R

This petition has been filed to modify the condition Nos.1 & 7 imposed by the learned Principal Sessions Judge, Kanyakumari District at Nagercoil in the order passed in Crl.M.P.No.2031 of 2021, dated 07.04.2021.

2.The petitioner claims to be the owner of the Mahindra & Mahindra Tipper vehicle bearing Registration No.TN-75-E-3953. The respondent police intercepted the vehicle of the petitioner and seized the same on the ground that it was used for carrying illegal sand without any valid permit and registered a case in Crime No.6 of 2021 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.2031 of 2021 for release of the vehicle and the learned judge has allowed the petition filed by the petitioner by its order dated 07.04.2021, 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 countersigned by the concerned Tahsildar) each for a like sum to the satisfaction of the Judicial Magistrate No.II, Kuzhithurai and the 7th condition to the effect that the petitioner should produce the vehicle before the Judicial Magistrate Court No.II, Kuzhithurai on first working day of every month. 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 7th conditions imposed by the learned Principal Sessions Judge, Kanyakumari District at Nagercoil, are onerous.

5.In view of that, this Criminal Revision Case is partly allowed. The order of the learned Principal Sessions Judge, Kanyakumari District at Nagercoil, made in Crl.M.P.No.2031 of 2021, dated 07.04.2021 is modified in respect of the first condition alone and 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 countersigned by the concerned Tahsildar) each for a like sum to the satisfaction of the Judicial Magistrate No.II, 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 (Records)

// 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 Judicial Magistrate No.II, Kuzhithurai.

3.The Inspector of Police,
Kollencode
Through The Public Prosecutor
at Nagercoil.

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

+1 CC to M/s.C.KISHORE, Advocate (SR-23581[F] dated 22/07/2021)

CrI.R.C (MD) No.467 of 2021
and
CrI.M.P (MD) No.4957 of 2021

22.07.2021

RKN (29.07.2021) 3P 6C