



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **23.09.2021**

CORAM

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

Cr1.R.C(MD)No.524 of 2021

Xevier Saroja

... Petitioner

Vs.

The Inspector of Police,
Valliyoor Police Station,
Tirunelveli District.

(In Crime No.413 of 2020)

... Respondent

Prayer : This Criminal Revision has been filed under Section 397 & 401 of Criminal Procedure Code, to call for the records and set aside the order, dated 26.03.2021 made in Cr.M.P.No.247 of 2021 on the file of the Judicial Magistrate, Valliyoor in respect of condition (1) is concerned.

For Petitioner : Mr.M.Laxmi Mahendraa

For Respondent : Mr.RMS.Sethuraman

Additional Public Prosecutor

O R D E R

This petition has been filed to modify the 1st condition imposed by the learned Judicial Magistrate, Valliyoor in the order passed in Cr.M.P.No.247 of 2021, dated 26.03.2021.

2.The learned counsel for the petitioner submitted that on 19.11.2020, when the petitioner went to her one of her daughters' house namely, Michael Vimala at V.K.Puram, she got phone call from her sister's daughter one Vijaya Rani that the said Eskaline Anitha's house was opened and Bureau had been broken and her belongs were scattered. Shockingly, she rushed to came up and found that a sum of Rs.6,68,000/- of value gold jewels and money had been stolen by mysterious persons. Therefore, the petitioner gave a complaint before the respondent police and the respondent police has registered the FIR in Crime No.413 of 2020 for the offence under Sections 454, 457 and 380 IPC. After investigation, the respondent police arrested the accused persons and secured some gold jewels. Seeking return of the gold jewels, the petitioner has approached the learned Judicial Magistrate, Valliyoor, by way of filing a petition in Cr.M.P.No.247 of 2021. The learned Magistrate, has allowed the petition filed by the petitioner by its order, dated 26.03.2021, by imposing certain conditions. The 1st condition is to the effect that the petitioner shall produce a surety with one person for executing



the solvency certificate for value of Rs.12,00,000/- under Criminal Procedure Rules 2019 with Judiciary Form 50. Challenging the said 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 Judicial Magistrate, Valliyoor, is onerous.

5.In view of that, this Criminal Revision Case is allowed. The 1st condition imposed by the learned Judicial Magistrate, Valliyoor, made in Cr.M.P.No.247 of 2021, dated 26.03.2021 is onerous one. Hence, it is modified to the effect that the petitioner shall execute a bond for a sum of Rs.7,00,000/- (Rupees Seven lakhs only) with two sureties of blood relatives. In respect of other conditions, the order of the learned Judicial Magistrate, Valliyoor, shall remain unaltered.

Sd/-

Assistant Registrar (CS-II)

// 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 Judicial Magistrate, Valliyoor.

2.The Inspector of Police,
Valliyoor Police Station,
Tirunelveli District.

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

+1 CC to M/s.M.LAXMI MAHENDRAA, Advocate (SR-30209[F] dated 24/09/2021)

Cr1.R.C (MD) No.524 of 2021

23.09.2021