



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.R.C(MD)No.591 of 2021

WEB COPY

A.Vijayadhas

... Revision Petitioner / Petitioner

Vs.

The Inspector of Police,
Puthukadai Police Station,
Kanyakumari District.

... Respondent / Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to the impugned order, dated 17.08.2021 passed in Crl.M.P.No.3522 of 2021 on the file of the Principal Sessions Judge, Kanyakumari District at Nagercoil and to set aside as far as concerned the onerous condition No.1 alone imposed in the impugned order and to modify the same.

For Petitioner
For Respondent

: Mr.M.R.Sreenivasan
: Mr.RMS.Sethuraman
Counsel for State Government
(Crl.side)

O R D E R

This petition has been filed to modify the condition No.1 imposed by the learned Principal Sessions Judge, Kanyakumari District at Nagercoil in the order passed in Crl.M.P.No.3522 of 2021, dated 17.08.2021.

2.The petitioner claims to be the owner of the Mahindra and Mahindra 407 Tipper Tempo vehicle bearing Registration No.TN-75-AF-8190. The respondent police intercepted the vehicle of the petitioner and seized the same and registered a case in Crime No.338 of 2021 under Section 379 IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act. 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.3522 of 2021 for release of the vehicle and the learned judge has allowed the petition filed by the petitioner by its order dated 17.08.2021, by imposing the 1st condition to the effect that the petitioner should execute a bond for a sum of Rs.8,00,000/- (Rupees Eight lakhs only) with two solvent sureties to be obtained from the concerned Tahsildar)



each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Kuzhithurai. Challenging the 1st condition imposed by the trial Court, the petitioner is before this Court with this criminal revision.

3.The learned counsel for the petitioner submitted that the trial Court imposed one of the onerous conditions to execute a bond for a sum of Rs.8,00,000/- (Rupees Eight lakhs only) with two solvent sureties (Solvency Certificate to be obtained from the concerned Tahsildar), which is very highly difficult for the petitioner to arrange such solvency certificate and he is put into much mental agony.

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

5.The only grievance of the petitioner is that the 1st condition imposed by the learned Principal Sessions Judge, Kanyakumari District at Nagercoil is onerous.

6.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.3522 of 2021, dated 17.08.2021 is modified in respect of the 1st condition alone and it is modified to the effect that the petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees One lakh only) with two sureties each for a like sum to the satisfaction of the learned 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.

Sd/-

Assistant Registrar (CS III)

// 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,
Puthukadai Police Station,
Kanyakumari District.

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

+1 CC to M/s.M.R.SREENIVASAN, Advocate (SR-27971[F] dated
02/09/2021)

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ARK(CO)
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