



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2021

CORAM

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

Crl.R.C(MD)No.651 of 2021

Ajin Raj

... Petitioner

Vs.

The Sub Inspector of Police,
Kottikode Police Station,
Kanyakumari District.

... Respondent

Prayer : This Criminal Revision has been filed under Section 397 & 401 of Criminal Procedure Code, to call for records relating to the order in Crl.M.P.No.3606 of 2021 passed by the Principal Session Judge, Kanyakumari District at Nagercoil, dated 24.08.2021 in respect of condition No.1 alone and set aside the same.

For Petitioner : Mr.A.Balakrishnan

For Respondent : Mr.RMS.Sethuraman

Additional Public Prosecutor

ORDER

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.3606 of 2021, dated 24.08.2021.

2.The petitioner claims to be the owner of the Kobelco Hydraulic Mini Excavator vehicle Engine No.3TNV82A-H8779. The respondent police intercepted the vehicle of the petitioner and seized the same and registered a case in Crime No.27 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.3606 of 2021 for release of the vehicle and the learned judge has allowed the petition filed by the petitioner by its order dated 24.08.2021, by imposing the 1st condition to the effect that the petitioner should execute a bond for a sum of Rs.22,00,000/- (Rupees Twenty two lakhs only) with two solvent sureties (solvency certificate to be obtained from the concerned Tahsildar) each for a like sum to the satisfaction of the



learned Judicial Magistrate No.1, Padmanabhapuram. Challenging the 1st 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 Principal Sessions Judge, Kanyakumari District at Nagercoil is onerous.

5.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.3606 of 2021, dated 24.08.2021 is modified in respect of the 1st condition alone and it is modified to the effect that the petitioner shall pay a sum of Rs.1,00,000/- (Rupees One lakh only) as costs, to the credit of the Chief Justice Relief Fund (payable in Accounts Section of the High Court Registry) within a period of two weeks from the date of receipt of a copy of this order, failing which this petition shall stand dismissed automatically without further reference to this Court and the order of the learned Principal Sessions Judge, Kanyakumari District at Nagercoil will be restored. In respect of other conditions, the order of the learned Principal Sessions Judge, Kanyakumari District at Nagercoil, shall remain unaltered.

Sd/-

Assistant Registrar (AS)

// 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 I,
Padmanabhapuram,

<https://hcserv.kerala.gov.in/hcserv/DesKcrsrecor.htm>



3.The Sub Inspector of Police,
Kottikode Police Station,
Kanyakumari District.

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

Copy to

1.The Section Officer,Accounts Section,
Madurai Bench of Madras High Court,
Madurai.

2.The Section Officer,Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K.P.NARAYANA KUMAR, Advocate (SR-29655[F] dated
20/09/2021)

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MGJ(27.09.2021) 3P 8C