



Crl.O.P No.29231 of 20__

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2022

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

Crl.O.P No.29231 of 2022

Chitraivelu

... Petitioner

Vs.

The Inspector of Police
Muthupettai Police Station
Thiruvarur District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to issue a direction to the learned Judicial Magistrate, Thiruthuraipoondi to accept the sureties in Crime No.52 of 2018 on the file of the respondent and release the petitioner's vehicle No.TN-50 A-7050.

For Petitioner : Mr.P.Muthamizh Selvakumar

For Respondent : Mr.S.Santhosh

Government Advocate (Crl. Side)



ORDER

WEB COPY

This Criminal Original Petition has been filed, seeking a direction to the learned Judicial Magistrate, Thiruthuraipoondi to accept the sureties in Crime No.52 of 2018 on the file of the respondent in connection with the release of the petitioner's vehicle No.TN-50 A-7050 and pass appropriate orders.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent.

3. The learned counsel for the petitioner submitted that the petitioner has obtained an order on 12.03.2019 for releasing the vehicle involved in this case on interim custody vide the order of this Court made in W.P No.6787 of 2019; but the learned Magistrate has not chosen to accept the sureties.

4. On perusal of the records, it is seen that the vehicle was ordered to be returned on interim custody on the following conditions:



WEB COPY



Crl.O.P No.29231 of 20__

Accordingly, the respondent is directed to release the vehicle in question to the petitioner within a period of 7 days from the date of compliance of the below mentioned condition Nos.(i) to (iii):

(i) The petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) before the jurisdictional Tahsildar concerned as non-refundable deposit. After receipt of the above said amount, the same will have to be deposited by the jurisdictional Tahsildar concerned, to the credit of the District Mines and Minerals Foundation Trust as non-refundable deposit.

(ii) The petitioner shall execute a personal bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum to the satisfaction of the concerned jurisdictional Judicial Magistrate.

(iii) The petitioner shall give an undertaking before the respondent/authority concerned stating that he will not use the vehicle in question for any illegal activities in future and shall produce the same as and when required by the respondent and also the trial Court, failing which the respondent/trial Court is/are at liberty to confiscate the vehicle.



WEB COPY



(iv) The petitioner shall not alienate the vehicle in question till the disposal of the proceedings before the authority concerned.

(v) The petitioner is also directed to participate in the enquiry to be conducted by the respondent.

5. One of the important condition is to execute a personal bond for a sum of Rs.10,000/- along with two sureties for a like sum. When the petitioner had filed a surety memo before the Judicial Magistrate, Thiruthuraipoondi, he did not mention the crime number and other details. Hence the surety memo was returned as early as on 08.04.2019. Without complying the defects, the petitioner had chosen to file this petition directly for seeking a direction to the learned Judicial Magistrate, Thiruthuraipoondi to accept the sureties. The sureties have to be furnished to the satisfaction of the Judicial Magistrate, Thiruthuraipoondi. So, the Magistrate has to exercise his powers either to accept or reject the sureties furnished by the petitioner.

6. The petitioner has not represented the surety memo by complying the defects pointed out therein. However, there is no time limit prescribed in



WEB COPY



Crl.O.P No.29231 of 20__

the return instructions for representing the same after compliance. Hence, the petitioner is at liberty to represent the surety memo and on receipt of the same, the learned Judicial Magistrate, Thiruthuraipoondi shall receive it, if it is otherwise in order and pass appropriate orders.

7. With the above observation, this Criminal Original Petition is disposed of.

29.11.2022

Index : Yes/No
Speaking Order : Yes / No
uma

To

1. The Judicial Magistrate,
Thiruthuraipoondi.
2. The Inspector of Police
Muthupettai Police Station
Thiruvarur District.
3. The Public Prosecutor
High Court of Madras.



WEB COPY



Crl.O.P No.29231 of 20__

R.N.MANJULA.,J
uma

Crl.O.P No.29231 of 2022

29.11.2022