



WEB COPY

Crl.R.C.(MD)No.64 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **16.02.2022**

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C. (MD)No.64 of 2022

Prabhu

... Petitioner/Petitioner

Vs.

1.The State represented by
The Sub Inspector of Police,
Keelaseevalpatti Police Station,
Keelaseevalpatti.
Sivagangai District.
(Crime No.117 of 2020)

2.Ganesan

...Respondents/Respondents

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records of the learned District Munsif Cum Judicial Magistrate, Thiruppathur, in Cr.M.P.No.605 of 2020 and set aside the portion of order, dated 29.07.2021 imposing conditions to execute a bond to a sum of Rs.95,00,000/- and modify the same.

For Petitioner : Mr.S.Mohan Raj

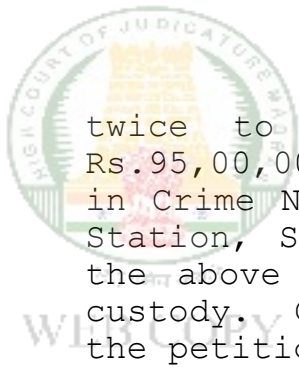
For Respondents : Mr.K.Sanjay Gandhi

Government Advocate (Criminal Side) for R.1

O R D E R

This petition has been filed seeking to set aside the condition No.1 imposed by the learned District Munsif Cum Judicial Magistrate, Thiruppathur, in the order passed in Cr.M.P.No.605 of 2020, dated 29.07.2021.

2.The petitioner claims to be the owner of the Tata Hitachi Hydraulic Excavator bearing S.No.THEDAOL0K00000747. The respondent police intercepted the vehicle of the petitioner and seized the same on a dispute between the accused and the defacto complainant, a case came to be registered in Crime No.117 of 2020. Subsequently, the petitioner has approached the learned District Munsif Cum Judicial Magistrate, Thiruppathur, by way of filing a petition in Cr.M.P.No.605 of 2020 for release of the vehicle and the learned District Munsif Cum Judicial Magistrate has allowed the petition filed by the petitioner by its order dated 29.07.2021, by imposing condition to the effect that the petitioner shall execute the bond



twice to the amount of the Vehicle that is for a sum of Rs.95,00,000/- with two sureties for the like sum each to the credit in Crime No.117 of 2020 on the file of the Keelaseevalpatti Police Station, Sivagangai District and compliance of the said condition, the above vehicle shall be returned to the petitioner on interim custody. Challenging the said condition imposed by the Court below, 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 condition imposed by the learned District Munsif Cum Judicial Magistrate, Thiruppathur, directing the petitioner to execute the bond twice to the amount of the Vehicle that is for a sum of Rs.95,00,000/- is onerous. Hence he seeks to set aside the order.

5.Considering the facts and circumstances of this case, this Criminal Revision Case is partly allowed. The order of the learned District Munsif Cum Judicial Magistrate, Thiruppathur, in Cr.M.P.No.605 of 2020, dated 29.07.2021 is modified to the effect that the petitioner shall execute a bond for a sum of Rs.50,00,000/- (Rupees Fifty Lakhs only) **(*)with two solvency sureties each for the like sum** before the concerned Court in Crime No. 117 of 2020 of Keelaseevalpatti Police Station and on compliance of the condition, the above vehicle shall be returned to the petitioner on interim custody. In respect of other conditions, the order of the learned District Munsif Cum Judicial Magistrate, Thiruppathur, shall remain unaltered.

Sd/-

Assistant Registrar()

(*) Amended as per the order of this court dated 12.04.2022 made in CRL.RC (MD) .No. 64/2022

Sd/-

Assistant Registrar(CS-I)

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/ /2022

Sub Assistant Registrar(CS)

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(*) to be substituted the order already despatched on 17.02.2022
To:-

1.The District Munsif Cum Judicial Magistrate,
Thiruppathur.



2.The Sub Inspector of Police,
Keelaseevalpatti Police Station,
Keelaseevalpatti.
Sivagangai District.

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

Crl.R.C. (MD) No.64 of 2022
16.02.2022

SMV (CO)
TR (17.02.2022) 3P 4C

SMV (CO)
KB (17.02.2022) 3P 4C