



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 03/02/2022

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THE HONOURABLE MRS.JUSTICE R.THARANI

CRL RC(MD) . No.90 of 2022

Subbammal,
W/o.Enan.

... Petitioner/ Petitioner

Vs

The Inspector of Police,
Radhapuram Police Station,
Tirunelveli District.
Cr.No.135 of 2019.

... Respondent/ Respondent

Prayer : This criminal revision case is filed under Sections 397 and 401 of Cr.P.C., to call for the records pertaining to the order dt. 10/11/2021 made in Crl.M.P.No. 2335 of 2021 and set aside the same in so far as the condition to execute a own bond for a sum of Rs.2,00,000/- with one surety for the same amount of Rs.2,00,000/-.

For Petitioner :Mr.V.Angusamy,

For Respondent : Mrs.M.Aasha,
Government Advocate (Crl.Side)

O R D E R

This revision has been filed to set aside the order passed in Cr.M.P.No.2335 of 2021, dated 10.11.2021, on the file of the District Munsif cum Judicial Magistrate, Radhapuram, in so far as the condition No.1, to execute a own bond for a sum of Rupees Two Lakhs with one surety for the same amount.

2.The FIR in Cr.No.135 of 2019, was registered by the respondent police against the petitioner, for committing theft of wooden logs. The petitioner is a third party to the case. Claiming himself as owner of the property and the petitioner has filed a petition in Crl.M.P.No.2335 of 2021, before the District Munsif cum Judicial Magistrate, Radhapuram, for return of the property. That petition was allowed on conditions and against the condition No.1 passed in the said order, the petitioner has filed this revision.

3.On the side of revision petitioner, it is stated that already the FIR was quashed by this Court, on the basis of a compromise memo. When the FIR itself was closed, there is no necessity for the



learned Judicial Officer to demand execution of bond and prayed the condition No.1 in the impugned order to be set aside.

4. On the side of the prosecution, it is stated that two Neem trees were reported to be stolen. The FIR was quashed by this Court. The petitioner is a third party. The complainant appeared before the trial Court and reported that he has no objection to hand over the property to the petitioner and prayed for suitable orders in this matter.

5. A verification of the records reveals that in Crl.OP(MD) No.12632 of 2021, FIR was quashed by this Court, on the basis of a compromise memo. The revision case in Crl.RC.No.572 of 2020 filed before this Court was closed on the basis of the compromise memo. Since, there is no valid FIR and since there was no objection on the side of the *defacto* complainant for return of property, there is no necessity for getting a bond.

6. In the above circumstances, this Court is inclined to allow the Revision. Accordingly, this Criminal Revision Case is allowed and the condition No.1 is set aside.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2022

Sub Assistant Registrar

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 District Munsif-cum-Judicial Magistrate,
Radhapuram.
2. The Inspector of Police,
Radhapuram Police Station, Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL RC(MD) No.90 of 2022
Date : 03/02/2022

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MS/22.02.2022/2P.4C