



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2022

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.R.C. (MD)No.148 of 2022

S.Justin Raj

... Petitioner/Petitioner

Vs.

Sub Inspector of Police,
Karungal Police Station,
Nagercoil
Kanyakumari District

... Respondent/Respondent

Prayer: This Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C. to call for the records and set aside and modify the first condition alone order passed in Crl.MP.No.621 of 2021 dated 07.02.2022 on the file of Principal District and Session Judge, Kanyakumari Division at Nagercoil.

For Petitioner	: Mr.N.S.Ramakrishnana Dass
For Respondent	: Mrs.M.Aasha
	Government Advocate (Criminal Side)

O R D E R

This Criminal Revision Petition has been filed to modify the 'Condition No.1' imposed by the learned Principal District & Sessions Judge, Kanyakumari Division at Nagercoil, in the order passed in Crl.M.P.No.621 of 2022, dated 07.02.2022.

2.The petitioner claims to be the owner of the Tipper bearing Registration No.TN 75 J 3449. The respondent police has intercepted the vehicle of the petitioner and seized the same on the ground that it was used for carrying metal without any valid permit and registered a case in Crime No.10 of 2022 under Section 379 IPC. Subsequently, the petitioner has approached the learned Principal District & Sessions Judge, Kanyakumari Division at Nagercoil, by way of filing a petition in Crl.M.P.No.621 of 2022 for release of the Tipper and the learned Judge has allowed the petition filed by the petitioner, by its order dated 07.02.2022, by imposing the 1st condition to the effect that the petitioner should execute a bond for sum of Rs.10,00,000/- with two solvent sureties before the Court in Crl.M.P.No.621 of 2022. Challenging the said 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 District & Sessions



Judge, Kanyakumari Division at Nagercoil are onerous.

5. In view of that, **this Criminal Revision Case is allowed.** The order of the learned Principal District & Sessions Judge, Kanyakumari Division at Nagercoil, made in Crl.M.P.No.621 of 2022, dated 07.02.2022, in Para 6(1) is modified, to the effect that the petitioner shall execute a bond for sum of Rs.10,00,000/- (Rupees Ten Lakhs only) with two sureties each for a likesum to the satisfaction of the Judicial Magistrate, Eraniel. In respect of other conditions, the order of the learned Principal District & Sessions Judge, Kanyakumari Division at Nagercoil, shall remain unaltered.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PNM

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 District and Sessions Judge, Kanyakumari District.
2. The Judicial Magistrate,
Eraniel.
3. The Sub Inspector of Police,
Karungal Police Station,
Nagercoil, Kanyakumari District
4. The Additional Public prosecutor,
Madurai Bench of Madras High Court, Madurai

Crl.R.C. (MD) No.148 of 2022
17.02.2022

SAR (CO)

KB(04.03.2022) 2P 5C