



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2022

CORAM:

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

Crl.R.C. (MD)No.309 of 2022

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... Petitioner

Vs

The Inspector of Police,
The State of TamilNadu,
Arumanai Police Station,
Kanyakumari District.

... Respondent

Prayer: This Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C., to set aside and modify the conditional order in Crl.M.P.No.3106 of 2021 dated 20.07.2021 on the file of Principal Sessions Judge of Kanyakumari District at Nagercoil.

For Petitioner : Mr.M.Punitha Devakumar
For Respondent : Mrs.M.Aasha,
Government Advocate (Criminal Side).

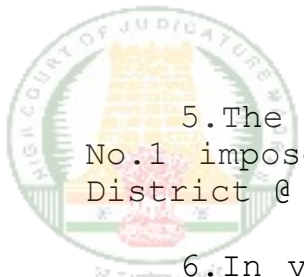
O R D E R

This Criminal Revision Petition has been filed, to set aside and modify the conditional order passed in Crl.M.P.No.3106 of 2021, on the file of the learned Principal Sessions Judge, Kanyakumari District @ Nagercoil, dated 20.07.2021, in respect of the 1st condition.

2.The petitioner claims to be the owner of the property, viz., Hydraulic Rock Breaker. The respondent police has seized the same under Section 379 IPC, in Crime No.7 of 2021. Subsequently, for return of the property, the petitioner has approached the learned Judicial Magistrate No.I, Kuzhithurai, by way of filing a petition in Crl.M.P.No.1790 of 2021 and the same was dismissed on 31.03.2021.

3.Challenging the same, he preferred revision before the learned Principal Sessions Judge, Kanyakumari District @ Nagercoil, by way of filing a petition in Crl.M.P.No.3106 of 2021 and the learned Judge has allowed the petition filed by the petitioner, by order dated 20.07.2021, by imposing the condition to the effect that the petitioner should execute a bond for a sum of Rs.5,00,000/- (Rupees Five Lakhs Only) with two solvent sureties, each for likesum to the satisfaction of the learned Judicial Magistrate No.1, Kuzhithurai. Challenging the said condition imposed by the Court below, the petitioner is before this Court with this criminal revision.

4.Heard the learned counsel appearing on either side and perused the materials available on record.



5.The only grievance of the petitioner is that the condition No.1 imposed by the learned Principal Sessions Judge, Kanyakumari District @ Nagercoil is onerous.

6.In view of the above, **this Criminal Revision Case is allowed and in the order of the learned Principal Sessions Judge, Kanyakumari District @ Nagercoil, made in Crl.M.P.No.3106 of 2021, dated 20.07.2021, Condition No.1 is hereby modified, to the effect that the petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh Only), in favour of the Environment Wing, Kanyakumari District. On such deposit, the petitioner is directed to execute a bond for a sum of Rs.5,00,000/- (Rupees Five Lakhs Only) with two sureties each for a likesum, to the satisfaction of the learned Judicial Magistrate No.I, Kuzhithurai.** In respect of other conditions, the order of the learned Principal Sessions Judge, Kanyakumari District @ Nagercoil, shall remain unaltered.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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 @ Nagercoil.
- 2.The Judicial Magistrate, Kuzhithurai.
- 3.The Inspector of Police,
The State of TamilNadu,
Arumanai Police Station, Kanyakumari District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.PUNITHA DEVAKUMAR, Advocate (SR-14382[F] dated 24/03/2022)

ORDER IN
Crl.R.C. (MD) No.309 of 2022
24.03.2022