



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C.(MD)No.274 of 2022

Marimuthu

... Petitioner/Petitioner/Accused

Vs.

The State rep. by
The Inspector of Police,
Soolakarai Police Station,
Soolakarai, Virudhunagar District,
In Crime No.296 of 2020

... Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records relating to case in Cr.MP.No.3897/2021 on the file of the Judicial Magistrate No.II, Virudhunagar, dt.21/10/2021 in Crime No.296/2020 on the file of the Respondent Police, and set aside the same.

For Petitioner : Mr.S.M.Anantha Murugan
For Respondent : M/s.M.Aasha
Government Advocate

O R D E R

This Criminal Revision has been filed to call for the records relating to case in Cr.MP.No.3897 of 2021 on the file of the Judicial Magistrate No.II, Virudhunagar, dt.21.10.2021 in Crime No.296 of 2020 on the file of the respondent Police, and set aside the same.

2.The petitioner is arrayed as fourth accused. The petitioner's vehicle bearing Reg. No. TN 65 J 5572 Tata Sumo Victor was involved in the offence under Sections 286, 304(2) IPC and 9(B)(1)(a) Indian Explosives Act 1884. The allegations is that on 02.10.2020 when the first accused namely Chithra Devi lighting lamp in her house for worshipping God, the explosive substance which were kept in the house got fired, due to which she sustained burnt injuries and thereafter she died. Initially First Information Report came to be registered as against A1 and A2. A1 died and subsequently the petitioner and other accused were impleaded as accused. The allegation against the petitioner is that the petitioner has transported explosive substances using the said vehicle. Infact the petitioner's vehicle was already involved in similar kind of offence and it was returned on condition that the petitioner should not indulge in crime.

3.The learned counsel for the petitioner would submit that the petitioner only transported materials worth about Rs.15000/- and



the accused persons are poor labour doing work in their houses for daily wages. During lighting of lamp unfortunately there was fire and she sustained injuries.

4.Considering, no purpose will be served in keeping the vehicle in custody. In view of the same, the order passed by the learned Judicial Magistrate No.II, Virudhunagar passed in Cr.M.P.No.3897 of 2021 dated 21.10.2021 is set aside and the learned Magistrate is directed to release the vehicle of the petitioner forthwith on the following conditions:

- that the petitioner is directed to execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh only), to the credit in Crime No.296 of 2020 pending on the file of the learned Judicial Magistrate No.II, Virudhunagar
- that the petitioner shall deposit the original Registration Certificate of the vehicle with the learned Judicial Magistrate No.II, Virudhunagar
- that the seized item should be photographed at the cost of the petitioner herein and a list is to be prepared and the same is to be signed by the petitioner;
- that the petitioner shall not alienate and shall not make any alteration in the vehicle;
- that the petitioner shall produce the vehicle before the Court and before the respondent police as and when required;
- If any of the conditions are violated, this order automatically stands cancelled.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To:-

- 1.The Judicial Magistrate No.II,
Virudhunagar
- 2.The Inspector of Police,
Soolakarai Police Station,
Soolakarai, Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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RS (29.03.2022) 2P-4C

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