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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 04.04.2022
CORAM:
THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN
Crl.R.C.(MD)No.340 of 2022

Arul Jose ... Petitioner

Vs

The Sub Inspector of Police,
Puthukadai Police Station,
represented by the Public Prosecutor,
Kanyakumari District at Nagercoil.
(Crime No.510 of 2021) ... Respondent

Prayer: Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C. to call for the records pertaining to the Impugned Order dated 18.02.2022 passed in Crl.MP.No.1471/2022(CNR.No.TNKK01-002109-2022) on the file of the learned Principal Sessions Judge,Kanyakumari District at Nagercoil and to set aside as far as concerned the onerous Condition No.1 alone imposed in the impugned order and to modify the same.

For Petitioner : Mr.M.R.Sreenivasan
For Respondent : Mr.M.Aasha
Government Advocate (Criminal Side)

O R D E R

This Criminal Revision Case has been filed to set aside the condition No.(i) imposed in the order passed by the learned Principal Sessions Judge, Kanyakumari District at Nagercoil in Crl.M.P.No.1471 of 2022 dated 18.02.2022.

2.The petitioner claims to be the owner of the vehicle, ie., Tipper Lorry bearing Registration No.TN-36-AW-9497. 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.510 of 2021, under Section 379 IPC. Subsequently, the petitioner has approached the learned Principal Sessions Judge, Kanyakumari District at Nagercoil, by way of filing a petition in Crl.M.P.No.1471 of 2022 , for release of the vehicle and the learned Judge has allowed the petition filed by the petitioner, by order dated 18.02.2022, thereby, imposing conditions to the effect that the petitioner is directed to execute a bond for a sum of Rs.8,00,000/- (Rupees Eight Lakhs Only) with two solvent sureties (solvency certificate to be obtained from the concerned Tahsildar) each for a likesum to the satisfaction of the learned Judicial Magistrate No.II, Kuzhithurai. Challenging the said conditions imposed by the trial Court, the petitioner is before

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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 conditions imposed by the learned Principal Principal Sessions Judge, Kanyakumari District at Nagercoil are onerous.

5.In view of that, ***this Criminal Revision Case is partly allowed.*** *The order of the learned Principal Sessions Judge, Kanyakumari District at Nagercoil, made in Crl.M.P.No.1471 of 2022, dated 18.02.2022,* ***in Condition(i) is modified, to the effect that the petitioner is directed to execute a bond for a sum of Rs.4,00,000/- (Rupees Four Lakhs Only) with two solvent sureties (solvency certificate to be obtained from the concerned Tahsildar) each for a likesum to the satisfaction of the learned Judicial Magistrate No.II, Kuzhithurai.*** *In respect of other conditions, the order of the learned Principal Sessions Judge, Kanyakumari District 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 Sessions Judge,Kanyakumari District
   at Nagercoil.

2.The Judicial Magistrate. No.II,
   Kuzhithurai.

3. The Sub Inspector of Police,
   Puthukadai Police Station,
   Kanyakumari District at Nagercoil.

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

+1 CC to M/s.M.R.SREENIVASAN, Advocate (SR-16400[F] dated 04/04/2022)

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KB(19.04.2022) 3P 6C

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