



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.05.2022

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

WEB COPY

Crl.R.C.(MD).No.484 of 2022

Arul Viji

.. Petitioner/Petitioner

Vs.

The Sub-Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
(Crime No.143 of 2022)

.. Respondent/Respondent

Prayer:- Criminal Revision petition is filed under Section 397 r/w 401 Cr.P.C. to call for the records in Cr.M.P.No.2387 of 2022 on the file of the Principal Sessions Court, Kanyakumari District at Nagercoil dated 23.04.2022 and to set aside the order as far as concerned the onerous condition No. I) alone imposed and to modify the same.

For Petitioner :Mr.S.C.Herold Singh

For Respondent :M/s.M.Aaasha

Government Advocate (Crl.Side)

ORDER

This petition has been filed to modify the condition No.1 imposed by the Principal Sessions Court, Kanyakumari District at Nagercoil, in the order passed in Cr.M.P.No.2387 of 2022, dated 23.04.2022.

2.The petitioner claims to be the owner of the Tipper vehicle bearing Registration No.TN-74-AY-3472. The respondent police intercepted the vehicle of the petitioner and seized the same and registered a case in Crime No.143 of 2022 under Section 379 IPC. Subsequently, the petitioner has approached the Principal Sessions Court, Kanyakumari District at Nagercoil, by way of filing a petition in Cr.M.P.No.2387 of 2022 for release of the vehicle and the learned judge has allowed the petition filed by the petitioner by its order dated 23.04.2022, by imposing the 1st condition to the effect that the petitioner should execute a bond for a sum of Rs.10,00,000/- (Rupees Ten lakhs only) with two solvent sureties (Solvency Certificate to be obtained from the concerned Tahsildar) each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Kuzhithurai. Challenging the 1st condition imposed by the trial Court, the petitioner is before this Court with this criminal revision.

3.The learned counsel for the petitioner submitted that the trial Court imposed one of the onerous conditions to execute a bond for a sum of Rs.10,00,000/- (Rupees Ten lakhs only) with two solvent



sureties (Solvency Certificate to be obtained from the concerned Tahsildar), which is very highly difficult for the petitioner to arrange such solvency certificate and he is put into much mental agony.

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 1st condition imposed by the Principal Sessions Court, Kanyakumari District at Nagercoil, is onerous.

6.In view of that, this Criminal Revision Case is allowed. The order of the Principal Sessions Court, Kanyakumari District at Nagercoil, made in Cr.M.P.No.2387 of 2022, dated 23.04.2022, is modified in respect of the 1st condition alone and it is modified to the effect that the petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees One lakh only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Kuzhithurai. In respect of other conditions, the order of the Principal Sessions Court, Kanyakumari District at Nagercoil, shall remain unaltered.

Sd/-

Assistant Registrar
(Vacation Officer)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

- 1.The Principal Sessions Court, Kanyakumari District at Nagercoil.
- 2.The Judicial Magistrate No.I, Kuzhithurai.
- 3.The Sub-Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-23848[F] dated 19/05/2022)

Crl.R.C. (MD) .No.484 of 2022

19.05.2022

SA(27.05.2022) 2P 6C

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