



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C. (MD)No.509 of 2022

Shivakumar

... Petitioner/Petitioner

Vs.

The Inspector of Police,
Thuckalay Police Station,
Kanniyakumari District.

...Respondent/Complainant

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records relating to the order in Crl.M.P.No.4084 of 2021 passed by the learned Principal Sessions Judge, Kanniyakumari District at Nagercoil dated 30.09.2021 in respect of condition No.1 alone and set aside the same.

For Petitioner : Mr.K.P.Narayanakumar
For Respondent : Mr.S.Manikandan,
Government Advocate (Crl. side)

O R D E R

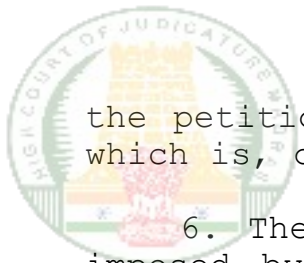
This Criminal Revision Petition is directed against the condition imposed by the learned Principal Sessions Judge, Kanniyakumari District at Nagercoil, in the order passed in Crl.M.P.No.4084 of 2021 dated 30.09.2021.

2. The petitioner claims to be the owner of Ashok Leyland Lorry bearing Registration No.KA-35-C-1945. On 13.03.2021, the respondent police intercepted the vehicle viz., Ashok Leyland Lorry bearing Registration No.KA-35-C-1945 and seized the vehicle as the same was used for transporting of illegal stones without any valid license or permit and registered a case in Crime No.147 of 2021 for the offence under Section 379 of IPC.

3. It is not in dispute that the petitioner has approached the learned Principal Sessions Court, Kanniyakumari District at Nagercoil, for returning of the said vehicle in Crl.M.P.No.4084 of 2021 and the learned Principal Sessions Judge, vide order dated 30.09.2021, has allowed the petition with certain conditions that the petitioner shall execute a bond for a sum of Rs.10,00,000/- with two solvent sureties (solvency certificate to be obtained from the concerned Tahsildar) each for a likesum to the satisfaction of the Judicial Magistrate No.I, Padmanabhapuram. Challenging the above condition, the above criminal revision came to be filed before this Court.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

5. The learned counsel for the petitioner would submit that the learned Principal Sessions Judge, without considering the right of



the petitioner and fate of the vehicle, has imposed the condition, which is, onerous.

6. The main grievance of the petitioner is that the condition imposed by the learned Principal Sessions Judge in directing the petitioner to execute a bond for Rs.10,00,000/- with two solvent sureties (solvency certificate to be obtained from the concerned Tahsildar) each for likesum to the satisfaction of the Judicial Magistrate No.I, Padmanabhapuram is onerous.

7. The learned counsel for the petitioner would further submit that the petitioner is ready and willing to deposit a sum of Rs.1,00,000/- as non-refundable and to execute a bond for a sum of Rs.2,50,000/- with two sureties each for likesum to the satisfaction of the Judicial Magistrate No.I, Padmanabhapuram.

8. Considering the above facts and circumstances of the case and also taking note of the fact that the condition imposed by the learned Principal Sessions Judge is onerous, this Court is inclined to modify the condition.

9. In the result, this Criminal Revision Petition is partly allowed and the condition No.1 imposed in the order of the learned Principal Sessions Judge, Kanyakumari District at Nagercoil, made in Crl.M.P.No.4084 of 2021, dated 30.09.2021, is modified to the effect that the petitioner shall execute a bond for a sum of Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousand 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.I, Padmanabhapuram. Further, the petitioner is directed to pay a sum of Rs.1,00,000/- (Rupees One Lakh only) as costs by way of an individual deposit in favour of the District Legal Services Authority, Kanyakumari, who shall receive the said amount as 'Environmental Fund' and make use of the said amount for the purposes mentioned in the order passed by this Court in ***CRP (NPD)No.1643 of 2010, dated 20.06.2018 [D.Govindasamy Vs. L.Ganesh Naidu (Deceased) and 2 others]***. In respect of other conditions, the order of the learned Principal Sessions Judge, Kanyakumari District at Nagercoil, shall remain unaltered.

Sd/-

Assistant Registrar (CS.II)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)



To: -

1. The Principal Sessions Court,
Kanyakumari District at Nagercoil.
2. The Judicial Magistrate No.I, Padmanabhapuram.
3. The Officer Incharge,
Legal Services Authority,
Kanyakumari District.
4. The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy To:

The Section Officer
Criminal Records,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+1 cc to Mr.K.P.Narayanakumar, Advocate, SR.No.28781 (F)
(Date:29/06/2022)

ORDER MADE IN
CrI.R.C. (MD) No.509 of 2022
27.06.2022

SA(04.07.2022) 3P 9C