



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 28.06.2022

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CRL.R.C. (MD).No.587 of 2022

and

CRL.M.P. (MD)No.7245 of 2022

R.Manikandan

... Petitioner/Petitioner

Vs.

State through
The Inspector of Police,
South Thamaraikulam Police Station,
Nagercoil, Kanyakumari District.

... Respondent

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C, to call for the records pertaining to the order dated 27.04.2022 passed in Crl.M.P.No.2476 of 2022 on the file of the learned Principal Sessions Judge, Kanniyakumari District at Nagercoil and set aside the same and further modify the condition imposed in Crl.M.P.No.3891 of 2021, dated 14.09.2021.

For Petitioner : Mr.Senthil, M.P.

For Respondent : Mr.S.Manikandan,
Government Advocate (Criminal Side)

ORDER

The Criminal Revision Case is directed against the order passed in Crl.M.P.No.2476 of 2022, dated 27.04.2022, dismissing the modification petition.

2. The learned counsel for the petitioner submitted that the petitioner has earlier filed an application in Crl.M.P.No.3891 of 2021 under Section 451 of Cr.P.C, for returning the vehicle bearing registration No.TN 74 AK 6177, and the learned Principal Sessions Judge, vide order dated 14.09.2021, has granted the relief with certain conditions. He further submitted that the petitioner has complied with all the conditions including the Condition No.7, wherein the petitioner was directed to produce the concerned vehicle before Court of Judicial Magistrate No.III, Rajapalayam on the first working day of every month.

3.The learned counsel for the petitioner also submitted that since the petitioner has no other source of income, except the income derived from the JCB vehicle and he has to travel for about 50 kilometres to produce the JCB before the concerned Court, he has filed a petition in Crl.M.P.No.2476 of 2022, before the Principal Sessions Judge, Nagercoil, Kanniyakumari, seeking modification of



the said condition. But the learned Principal Sessions Judge, vide order, dated 27.04.2022, dismissed the said petition.

4.The learned Government Advocate (Criminal Side) appearing for the State would submit that the petitioner has been complying with the condition No.7 till now and that the investigation is almost completed. Considering the above facts and circumstances, this Court is inclined to modify the condition and the petitioner is directed to produce the vehicle before the concerned Court as and when required.

5.In view of the above, the Criminal Revision is allowed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS.I)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

To

- 1 The Judicial Magistrate, Paramakudi (FAC),
Ramanathapuram.
- 2 The Judicial Magistrate No.III,
Rajapalayam, Virudhunagar District.
- 3 The Inspector of Police,
South Thamaraikulam Police Station,
Nagercoil, Kanyakumari District.
- 4 The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- 5 The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court, Madurai. (2 Copies)

Copy To:

The Principal Sessions Judge,
Kanyakumari District @ Nagercoil.

+1 CC to M/s.M.P. SENTHIL, Advocate (SR-28682[F] dated 29/06/2022)
CRL.R.C. (MD).No.587 of 2022
and
CRL.M.P. (MD)No.7245 of 2022
Date:28.06.2022